

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON MON-
DAY THE SIXTEENTH DAY OF OCTOBER, 1820, AND OF THE
COMMONWEALTH, THE TWENTY-NINTH.

FRANKFORT:

PRINTED BY KENDALL AND RUSSELLS,

PRINTERS TO THE STATE.

1820.

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE STATE OF KENTUCKY

AND THE HOUSE OF COMMONS OF THE STATE OF KENTUCKY

IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED

AND SEVEN

FRANKFORD

PRINTED BY J. M. HARRIS

AND BROS.

1897

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

AT A GENERAL ASSEMBLY, begun and held for the state of Kentucky, at the capitol in the town of Frankfort, on Monday the sixteenth day of October, in the year of our Lord one thousand eight hundred and twenty, and in the twenty-ninth year of the commonwealth.

On which day, (being that appointed by law for the meeting of the general assembly,) the following members of the house of representatives appeared, to wit:

From the county of Adair, Benjamin Selby and William Patterson; from the county of Allen, Johnston J. Cockerill; from the counties of Barren and Monroe, Michael W. Hall and Joseph Winlock; from the county of Butler, Oliver C. Porter; from the county of Bath, Thomas Fletcher; from the county of Bracken, John H. Rudd; from the county of Bourbon, John L. Hickman, James Garrard and Thomas Hughes; from the county of Boone, Moses Scott; from the county of Bullitt, Lewis Wilcoxson; from the county of Breckinridge, David R. Murray; from the counties of Christian and Trigg, James Ruffin; from the county of Cumberland, Edward King and Lemuel Williams; from the county of Campbell, Alfred Sandford; from the county of Clark, William McMillan and Richard French; from the county of Casey, Christopher Rife; from the county of Clay, James Love; from the county of Daviess, Warner Crow; from the county of Estill, Jesse Noland; from the county of Fayette, Percival Butler and Henry Payne; from the county of Floyd, David K. Harris and Richard R. Lee; from the counties of Franklin and Owen, William Gerard and John H. Todd; from the county of Fleming, John Taylor and Michael Cassidy; from the county of Greenup, Francis H. Gaines; from the county of Gallatin, Nathaniel P. Porter; from the coun-

ty of Grayson, William Cunningham ; from the county of Green, Samuel Brents and Benjamin Chisham ; from the county of Garrard, Samuel M'Kee and James Spillman ; from the county of Henderson, Leonard H. Lyne ; from the county of Hopkins, William Gordon ; from the county of Hardin, Benjamin Shacklett and John H. Geohegan ; from the county of Henry, Charles H. Allen and Isham Henderson ; from the county of Harrison, Benjamin Warfield and James Patton ; from the county of Jefferson, James Ferguson and Maurice L. Miller ; from the county of Jessamine, William Caldwell ; from the counties of Knox and Harlan, Andrew Craig ; from the counties of Lincoln and Rockcastle, John Green and Schuyler Barnett ; from the county of Lewis, William B. Parker ; from the county of Logan, Presley N. O'Bannon and Henley W. Moore ; from the county of Livingston, John Berry ; from the county of Muhlenburg, Edmund Watkins ; from the county of Mason, Walter Lacey and Septimus D. Clark ; from the county of Mercer, Thomas P. Moore, George C. Thompson and Robert B. M'Affee ; from the county of Montgomery, Alexander S. Farrow and Thomas Mosely ; from the county of Madison, Thomas C. Howard, James Stone and Archibald Woods ; from the county of Nelson, Charles A. Wickliffe, Henry Cotton and William Wakefield ; from the county of Nicholas, Daniel P. Bedinger and Henley Roberts ; from the county of Ohio, John Calhoun ; from the county of Pulaski, George B. Cooper ; from the counties of Pendleton and Grant, Stephen Mullens ; from the county of Simpson, William Lynch ; from the county of Scott, Valallen Prewitt and James Patterson ; from the county of Shelby, Cuthbert Bullitt and William G. Boyd ; from the county of Todd, John S. Anderson ; from the county of Union, James Townsend ; from the county of Whitley, John F. Sharp ; from the county of Warren, James M. Blakey and Robert F. Slaughter ; from the county of Woodford, Thomas Stevenson and William S. Hunter ; and from the county of Washington, William Grundy, John Lancaster and Samuel M'Elroy.

Who constituting a quorum, and having taken the several oaths required by the constitution of the United States, and the constitution and laws of this state, repaired to their seats.

Mr. James Clark, a member returned to serve in this house from the county of Jessamine, and Mr. George Shannon, a member returned to serve in this house from the county of Fayette, appeared, produced certificates of their election, and took the oaths required by the constitution of the United

States, and of this state ; but declined taking the oath prescribed by the act of assembly, more effectually to suppress the practice of duelling, and the acts amendatory thereto : Whereupon,

On motion,

Resolved, That they be admitted to exercise the rights and privileges of members until the further order of this house.

Mr. Hickman nominated Mr. James Garrard, Jr. as a proper person to fill the office of Speaker to this house during the present session ; Mr. M'Millan nominated Mr. George C. Thompson ; and Mr. Lancaster nominated Mr. Charles A. Wickliffe ; and upon taking the vote, it stood thus :

For Mr. Garrard—Messrs. Bedinger, Bullitt, Caldwell, S. D. Clark, Craig, Farrow, Ferguson, French, Gaines, Harris, Hickman, Hughes, Lacey, Lee, Miller, Mosley, Mullens, M'Kee, Noland, Parker, Patton, Payne, O. C. Porter, Prewitt, Roberts, Sandford, Sharp, Spillman, Stone, Warfield, Watkins and Woods—32.

For Mr. Thompson—Messrs. Allen, Anderson, Barnett, Blakey, Brents, Butler, Cassidy, Chisham, J. Clark, Cockerill, Cooper, Fletcher, Garrard, Gerard, Gordon, Green, Grundy, Hall, Henderson, Howard, Hunter, Lyne, H. W. Moore, T. P. Moore, M'Affee, M'Millan, O'Bannon, W. Patterson, N. Porter, Rife, Rudd, Ruffin, Scott, Shannon, Slaughter, Stevenson, Taylor, Todd, Townsend, Wickliffe, Williams and Winlock—42.

For Mr. Wickliffe—Messrs. Berry, Boyd, Calhoun, Cotton, Crow, Cunningham, Geohegan, King, Lancaster, Love, Lynch, Murray, M'Elroy, J. Patterson, Selby, Shacklett, Thompson, Wakefield and Wilcoxson—19.

No one on the nomination having obtained a majority of all the votes present, the house proceeded to a second vote between the two standing highest on the first, when the vote stood thus :

For Mr. Garrard—Messrs. Bedinger, Bullitt, Caldwell, S. D. Clark, Craig, Farrow, Ferguson, French, Gaines, Harris, Hickman, Hughes, Lacey, Lee, Miller, Mosley, Mullens, M'Kee, Noland, Parker, J. Patterson, Patton, Payne, O. C. Porter, Prewitt, Roberts, Sandford, Sharp, Spillman, Stone, Thompson, Warfield, Watkins and Woods—34.

For Mr. Thompson—Messrs. Allen, Anderson, Barnett, Berry, Blakey, Boyd, Brents, Butler, Calhoun, Cassidy, Chisham, J. Clark, Cockerill, Cooper, Cotton, Crow, Cunningham, Fletcher, Garrard, Gerard, Geohegan, Gordon, Green, Grundy, Hall, Henderson, Howard, Hunter, King,

Lancaster, Love, Lynch, Lyne, H. W. Moore, T. P. Moore, Murray, M'Affee, M'Elroy, M'Millan, W. Patterson, N. Porter, Rife, Rudd, Ruffin, Scott, Selby, Shacklett, Shannon, Slaughter, Stevenson, Taylor, Todd, Townsend, Wakefield, Wickliffe, Wilcoxson, Williams and Winlock—58.

A majority of all the votes present appearing in favor of Mr. George C. Thompson, he was thereupon declared duly elected, and conducted to the chair, from whence he made acknowledgments for the honor conferred, and recommended the observance and preservation of good order and decorum.

Mr. Robert S. Todd was unanimously elected clerk ; Mr. Richard Taylor, sergeant-at-arms ; and Mr. Roger Devine, door-keeper.

Ordered, That they severally give their attendance accordingly.

Ordered, That a committee of propositions and grievances be appointed ; and a committee was appointed, consisting of messrs. M'Millan, Lancaster, O'Bannon, Spillman, Caldwell, Gordon, Bullit, S. D. Clark, Williams, Emerson and French, and such other members as may from time to time choose to attend ; who are to meet and adjourn from day to day, and to take under consideration all propositions and grievances which may come legally before them ; and all such matters as shall from time to time be referred to them, and report their proceedings with their opinion thereupon to the house. And the said committee shall have power to send for persons, papers and records for their information.

Ordered, That a committee of privileges and elections be appointed ; and a committee was appointed, consisting of messrs. Howard, Stevenson, Rife, Cassidy, Selby, Ferguson, Phillips, Todd, Warfield, H. W. Moore and Hughes ; who are to meet and adjourn from day to day, and take under consideration and examine all returns for members to serve in this house during the present session of the general assembly, and all questions concerning privileges and elections, and report their proceedings with their opinion thereupon to the house. And the said committee shall have power to send for persons, papers and records for their information.

Ordered, That a committee of claims be appointed ; and a committee was appointed, consisting of messrs. M'Affee, Sandford, Hunter, Hickman, Gerard, Butler, Rudd, J. Clark, Calhoon, Watkins and O. C. Porter ; who are to meet and adjourn from day to day, and take under consideration all public claims, and such other matters as may from time to time be referred to them, and report their proceedings with

their opinion thereupon to the house. And the said committee shall have power to send for persons, papers and records for their information.

Ordered, That a committee for courts of justice be appointed; and a committee was appointed, consisting of messrs. M'Kee, Wickliffe, Brents, Fletcher, Green, Grundy, Allen, T. P. Moore, Woods, Henderson and Shannon; who are to meet and adjourn from day to day, and take under consideration all matters relating to courts of justice, and such other, as may from time to time be referred to them, and report their proceedings with their opinion thereupon to the house. And the said committee are to inspect the journals of the late session, and draw up a statement of the matters then depending and undetermined, and the progress that was made therein; also, to examine what laws have expired since the last session, and inspect such temporary laws as will expire with this, or are near expiring, and report the same to the house, with their opinion which of them ought to be revived and continued. And the said committee shall have power to send for persons, papers and records for their information.

Ordered, That a committee of religion be appointed; and a committee was appointed, consisting of messrs. Garard, Payne, Scott, Cotton, Cooper, M'Elroy, Farrow, Blakey, Mosley, Stone and Murray; who are to meet and adjourn from day to day, and take under consideration all matters and things relating to religion and morality, and such other, as may from time to time be referred to them, reporting their proceedings with their opinion thereupon to the house. And the said committee shall have power to send for persons, papers and records for their information.

Ordered, That the rules of the last be adopted as those of the present session; and that the public printers forthwith print one hundred and fifty copies thereof for the use of the members of this house.

Mr. M'Acree nominated Mr. James Stonestreet as a proper person to fill the office of clerk to the committee of propositions and grievances and privileges and elections; and Mr. N. P. Porter nominated Mr. James Y. Love; and upon taking a vote between them, a majority appearing in favor of Mr. James Stonestreet, he was thereupon declared duly elected.

Mr. Gerard nominated Mr. Jacob Swigert as a proper person to fill the office of clerk to the committees of claims, religion and for courts of justice; and Mr. Brents nominated Mr. Robert H. Buckner; and upon taking a vote between

them. a majority appeared in favor of Mr. Jacob Swigert, who was thereupon declared duly elected.

Ordered, That a message be sent to the senate informing them that this house having met, formed a quorum, and elected their officers, is now ready to proceed to legislative business; and that Mr. Howard carry the said message.

A message from the senate by Mr. Ewing:

Mr. Speaker,

I am directed to inform this house that the senate having met, formed a quorum, and elected their officers, is now ready to proceed to legislative business.

And then he withdrew.

Mr. Garrard moved the following resolution, viz.

Resolved, That a committee of two from the senate and four from the house of representatives, be appointed to wait on his excellency, the governor, and inform him that the legislature have formed a quorum for business, and are ready to receive any communication he may think proper to make.

Which being twice read, was adopted; and messrs. Lancaster, Cassidy, Winlock and Cunningham, appointed a committee conformably thereto.

Ordered, That Mr. Garrard carry the said resolution to the senate and request their concurrence.

Ordered, That Mr. Amos Kendall be permitted to take a seat within the representative chamber, to the left of the clerk's table, for the purpose of taking sketches of the proceedings and debates of this house during the present session.

Mr. Walter Emerson, a member returned to serve in this house from the county of Wayne, appeared, produced a certificate of his election, and of his having taken the oaths prescribed by the constitution of the United States, and the constitution and laws of this state, and took his seat.

Mr. Wickliffe read and laid on the table a joint resolution, fixing on a day on which to elect a senator to represent this state in the congress of the United States, in the room of William Logan, Esq. resigned.

A message from the senate by Mr. Owens:

Mr. Speaker,

The senate concur in a resolution which originated in this house, for appointing a joint committee to wait on the governor and inform him that the legislature have met and are now ready to proceed to legislative business; and have appointed a committee on their part.

And then he withdrew.

The said committee then retired, and after a short time returned, when Mr. Lancaster reported that the joint committee had discharged the duty assigned them and were informed by his excellency, that he would by his secretary, make a communication (by way of message) to both branches of the general assembly on to-morrow at eleven o'clock, in their respective chambers.

The Speaker laid before the house a petition from Matthew Lyon, complaining of the illegal election and undue return of John Mercer, Esq. as a member of this house from the county of Caldwell; representing also, that he is legally elected, and entitled to a seat in lieu of the returned member, and praying to be permitted to take a seat.

Which said petition was received, read (and together with the notices and depositions,) lodged in the office of the secretary of state, and by him transmitted to the clerk of this house, and laid on the table.

And then the house adjourned.

TUESDAY, OCTOBER 17, 1820.

Mr. Richard J. Munford, a member returned to serve in this house from the county of Hart; Mr. James C. Cravens, a member returned to serve in this house from the counties of Christian and Trigg; Mr. Samuel Bray, a member returned to serve in this house from the county of Jefferson; and Mr. William B. Philips, a member returned to serve in this house from the county of Mason, severally appeared, produced certificates of their election, and of their having taken the oaths prescribed by the constitution of the United States, and the constitution and laws of this state, and took their seats.

Mr. Wickliffe presented the petition of George Park and Samuel Horine, executors, and Margaret Hahn, executrix of Christopher Hahn, deceased, praying that a law may pass authorising a sale of a part of the real estate of the intestate, for the purpose of discharging his debts.

Mr. Warfield presented the petition of sundry citizens of Nicholas county, praying that a law may pass to add part of said county to the county of Harrison.

Mr. Brents presented the petition of William H. Dunn, praying that a law may pass, divorcing him from his wife, Elizabeth Dunn, late Elizabeth Townsend.

Mr. Cockerill presented the petition of Ignatius Turley, representing that he is entitled by purchase from the commonwealth to 174 acres of land, which has been surveyed and carried into grant; but that the patent has been erroneously issued, and it is now ascertained that the boundaries recited in the patent, will not cover the land he designed to appropriate; and praying that a law may pass, authorising the register of the land office to correct said erroneous patent.

And the Speaker laid before the house the petition of Thomas Roberts of Harrison county, representing that James Patton, Esq. returned to serve as a member of this house from said county, was ineligible to a seat therein at the time of his election, and still continues so, in consequence of his exercising the office of deputy sheriff and collector in said county, and praying legislative enquiry.

Which petitions were severally received, read and referred; the first to the committee for courts of justice; the second to the committee of propositions and grievances; the third to the committee of religion; the fourth to a select committee of messrs. Cockerill, Slaughter, Winlock, Williams and Breas, giving said committee leave to report thereon by bill or otherwise; and the fifth to the committee of privileges and elections.

On motion,

Ordered, That the clerk of this house, be permitted to avail himself of the assistance of Mr. James Stonestreet in the execution of his office during the present session.

On the motion of Mr. Howard,

Ordered, That leave be given to bring in a bill to establish an election precinct in the county of Madison; and that messrs. Howard, Woods, Stone and M'Kee, be appointed a committee to prepare and bring in the same.

On motion,

Ordered, That the two seats to the right and left of the lobby door, be appropriated to the use of the members of the senate and the officers of government, whenever they may choose to attend the debates of this house; and that Mr. Garrard inform the senate thereof.

A message from the governor by Mr. Breckinridge, his secretary:

Mr. Speaker,

I am directed by the governor to lay before this house a message in writing.

And then he withdrew.

The said message was then taken up and read as follows, to wit :

Gentlemen of the Senate,

and of the house of Representatives.

From the short period that has elapsed since I came into office, it will not be expected, that I can give you much information, that will aid you in performing your legislative duties.

Selected from every part of the state, and possessing a knowledge of the feelings, the wishes, and wants of the community, it will be for you, gentlemen, to adopt and enact such measures, as will contribute most to alleviate distress, to prevent useless and impolitic sacrifices of property on the one hand, whilst you steadily keep in view justice and the general policy of the state on the other.

It will be admitted by all, that the people of this state, feel at this time a severe and universal pressure in their monied transactions : To relieve them in some measure is, I trust, the wish of all. Different views will be entertained as to the best means of effecting so desirable an object, by members from different parts of the state. A successful termination can only be hoped for from cool, dispassionate deliberation and sound reason. A high exercise of charity and mutual forbearance towards the opinions of each other, will be found most useful in all deliberative bodies, and will most effectually lead to a favorable termination of your arduous and important duties.

Whilst we feel and lament the difficulties we labour under in our monied transactions, we have sufficient cause of gratitude to the Supreme Disposer of events, for the bountiful crops, with which our state is favored, and the great degree of general good health which our citizens enjoy.

Our penitentiary establishment will require your early attention. That institution (organized and intended for the wise, humane purpose of uniting mercy with justice) from the increased and increasing number of convicts, and the decayed state of the buildings, originally too small to afford the benefits of solitary confinement and convenient room for labour, will be found at this time altogether insufficient. A thorough examination by some members of your own body, will be necessary to enable you to adopt such measures as you may judge most conducive to promote the public good, and to realise the hopes of the state in establishing that institution.

Although many worthy, industrious citizens labour under

considerable individual embarrassments, arising chiefly from the want of a market for their surplus produce, yet it will be found on examination, that the funds of the state, are amply sufficient for all necessary, and some useful purposes. It is then worthy the consideration of the legislature, whether the present is not a favorable time to make valuable and lasting improvements. Labour is now low, and the state would thus find employment for many of her useful citizens.

Should you, gentlemen, agree with me in opinion on this subject, permit me to recommend to your attention, as an object of the first importance and usefulness to the state, the navigation of the Ohio river from Louisville to its mouth.—All other and further improvements in the navigation of our waters, will derive their utility in a great degree, from this first object. From information acquired whilst a commissioner on the Ohio, I have no hesitation in giving it as my opinion, that a safe and certain navigation may be made for steam boats (drawing six feet) at the lowest stage of the water. The labor may be performed during any one summer, and the expense will be more than doubly reimbursed in every succeeding fall, to the citizens of the state. May we not reasonably hope too that the states of Indiana, Tennessee and Ohio, will aid in an undertaking, so evidently useful to all. It will be found beneficial in this (as in most cases) to call the attention of the state, and direct her energies to a single object, until it is completed; once completed, its usefulness will point out more clearly than any reasoning on the subject, the necessity of farther improvements in our smaller streams. In a government like ours, where the laws alone bear rule, and where those laws emanate from the people, the importance and even necessity of education amongst all classes of the citizens, will be universally felt and acknowledged. It remains only for the legislature on this highly interesting subject, to select and pursue that course, which will seem to promise the greatest benefit, in the shortest period of time and at the least expence.

Former legislatures have, perhaps wisely, made considerable donations of land, to the several counties for the purpose of establishing primary schools or seminaries of learning; but little benefit has yet been produced to the community at large from those donations. Whether this failure has arisen from a too great diffusion of the means or from the difficulty of procuring teachers well qualified to take charge of these schools, or from both causes, is not now material to inquire. Both those difficulties may be obviated, by turning your at-

tention at this time to our university, the great head or fountain, from which streams will flow to fertilize and improve the human mind, in every section of the state. By aiding our university, by putting it in its power to become useful in every department of science which it is prepared to teach, you will promote the real interest of the community at home, and give dignity and weight of character to the state abroad. Thus we may reasonably hope in a few years, to see our primary schools furnished with well qualified teachers, raised and educated amongst ourselves, possessing the morals, manners, and habits of our country. Such men too, from their connexions in the state, will have a weight of character to support, not always attached to itinerants.

Permit me, gentlemen, to call your attention likewise, to the present mode of supporting lunatics and other persons of unsound mind, throughout the state. It will be found by a reference to the Auditor's books, that this expense has been increasing annually for several years. It requires only a plain calculation by figures to show to the understanding of every one, that much of this expense may be saved, by preparing the Hospital now established in Lexington, for the reception and maintenance of those unfortunate fellow-beings.— There they will be better provided for, and at a less expense than under the present mode, in the different counties. They will have the best medical aid the state affords, gratis; and if only one in twenty of those unfortunate beings, laboring under the most dreadful of all maladies, should be restored, will it not be a cause of gratulation to a humane and generous public?

From the resignation of the honorable William Logan, a senator of the United States from this state, it becomes your duty to fill that vacancy for the balance of the term for which he was elected, at an early period of the present session.

Accept, gentlemen, my good wishes for your health and successful labours for the good of our common country, and believe me sincerely,

Your most ob't. servant.

JOHN ADAIR.

Frankfort, Oct. 17, 1820.

Ordered, That the public printers forthwith print 500 copies thereof for the use of the members of this house.

The house took up a resolution laid on the table on yesterday, fixing on a day for the election of a senator to represent this state in the congress of the United States, in the room of

William Logan, Esq. resigned ; which was twice read and concurred in as follows, to wit :

Resolved by the Senate and House of Representatives of the Commonwealth of Kentucky, That they will proceed upon the 19th day of the present month, to elect a senator in congress to fill the vacancy occasioned by the resignation of the Hon. William Logan.

Ordered, That Mr. Wickliffe carry the said resolution to the senate and request their concurrence.

Mr. M'Afee moved the following resolutions, viz.

Resolved, That so much of the governor's message as relates to the navigation of the Ohio river, be referred to a select committee.

Resolved, That so much of the governor's message as relates to education and the Transylvania University, be referred to a select committee.

Resolved, That so much of the governor's message as relates to the penitentiary, be referred to a select committee.

Resolved, That so much of the governor's message as relates to the maintenance of lunatics and the Fayette Hospital, be referred to a select committee.

Which being twice read, was adopted.

Whereupon, messrs. M'Afee, Ferguson, Murray, Crow and Calhoon, were appointed a committee pursuant to the first resolution ; messrs. M'Kee, Butler, Green, French and Hunter, pursuant to the second ; messrs. Gerard, Sandford, Allen, Grundy, Warfield and Howard, pursuant to the third ; and messrs. Payne, Garrard, Shannon, Stevenson and Caldwell, pursuant to the fourth resolution.

A message from the senate by Mr. Ewing :

Mr. Speaker,

The senate have appropriated the back seats to the right and left of their lobby door, to the use of the members of this house and officers of government, whenever they may choose to attend the debates of the senate.

And then he withdrew.

A message from the senate by Mr. Lee, their secretary :

Mr. Speaker,

The senate have adopted a resolution fixing on a day for the election of a senator in congress ; in which they request the concurrence of this house.

And then he withdrew.

The said resolution was then taken up, twice read and concurred in as follows, viz.

IN SENATE, October 17, 1820.

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will on Thursday the 19th instant, proceed by a joint vote of both branches of the legislature, to elect a senator to congress to fill the vacancy occasioned by the resignation of the honorable William Logan.

Att. WILLIS A. LEE, C. S.

Ordered. That Mr. M'Millan inform the senate thereof.

Mr. Todd moved the following resolution, viz.

Resolved, That so much of the governor's message as relates to the embarrassed condition of the country, be referred to a select committee.

Which being twice read, was adopted ; and messrs. Todd, Henderson, M'Affee, Brents, Fletcher, Sandford, J. Clark, Shannon, Lyne and King, appointed a committee agreeably thereto.

And then the house adjourned.

WEDNESDAY, OCTOBER 18, 1820.

Ordered. That Messrs. Lancaster, Fletcher, Watkins, Williams, Warfield and Wakefield be a committee of enrolments on the part of this house ; and that Mr. Lancaster inform the senate thereof.

Mr. T. P. Moore presented the petition of John Hughes, praying for a divorce from his wife Jane Hughes, late Jane Dunn.

Mr. Gerard presented the petition of Robert F. Carstarphen, praying for a divorce from his wife Elizabeth, late Elizabeth Perkins.

Mr. Slaughter presented the petition of Austin Clayton, praying a divorce from his wife Phebe, late Phebe Hogg.

Mr. Emerson presented the petition of John Francis and Richard Slavey, praying that a law may pass giving them further time to comply with the conditions of an act of assembly passed for their benefit, authorising them to appropriate 1000 acres of land for the benefit of salt works.

Mr. Hall presented the petition of Joseph R. Underwood, for himself and others, representing themselves heirs of John Rogers, deceased ; and that as heirs of said Rogers, they are entitled to 1400 acres of land in consideration of the military services of said Rogers in the Revolutionary War, as an officer of the Virginia Continental Line, and by purchase for a valuable consideration from a certain ———— and praying that they may be permitted to carry the same into

grant ; and that provision may be made for carying into effect the act of the Virginia legislature, appropriating 4000 acres of land at the Iron Banks, for the purpose of establishing a town.

Mr. T. P. Moore presented the petition of sundry citizens of Mercer county, praying for the establishment of an election precinct therein.

Mr. Caldwell presented the petition of Susan Rohar, widow of Henry Rohar, deceased, praying that a law may pass, authorising a sale of the interest of her deceased husband in a tract of land and saw-mill, held in partnership with Peter Hoover, for the purpose of discharging the debts of the decedant.

Mr. Garrard presented the petition of the justices of the county court of Bourbon, praying that a law may pass authorising them to purchase ground and erect buildings thereon, for the better accommodation and keeping of the *poor* of said county, and to appoint a proper person to superintend said institution.

Mr. Rudd presented the petition of sundry citizens of Bracken county, praying that a law may pass changing the time of holding the July term of the Bracken circuit court, to a more convenient time.

Mr. Cooper presented the petition of Benjamin M. Irvine, praying a divorce from his wife Pamela, late Pamela Head.

Mr. Townsend presented the petition of Clarissa Robinson, widow and executrix of Cornelius Robinson, deceased, praying that a law may pass authorising a sale of a part of the real estate (instead of the slaves) of the decedant, for the purpose of discharging his debts.

Mr. Chisholm presented the petition of Sally Clark, late Sally Vaughn, praying a divorce from her husband, John Clark.

Mr. Gerard presented the petition of the trustees of the town of Lawrenceburg, praying that a law may pass to legalize their proceedings.

Mr. Cunningham presented the petition of Jonathan Bozarth, representing that he is entitled to 340 acres of land, part of a tract of 1070 acres, in the name of Samuel Culbertson, which was sold by the register of the land office for the taxes due thereon ; that the certificate of sale, was regularly transferred to the petitioner, but has since been lost or mislaid, and praying that a law may pass authorising the register of the land office to make to him a deed for said land.

And Mr. Brents presented the petition of the widow and heirs of John Walker, deceased, representing that the decedent made two entries for 1000 acres of land each, which were surveyed and returned in due time to the register's office of Virginia, and from memorandums now existing in said office, and the register's office of Kentucky, no doubt exists of the emanation of grants for said land, but which have by some means been lost or mislaid, and no record of the grants remain in either office; and praying that a law may pass authorising the register of the land office to issue patents on the original certificates of surveys now remaining in his office.

Which petitions were severally received, read and referred; the 1st, 2d, 5d, 10th and 12th, to the committee of religion; the fourth to a select committee of messrs. Emerson, Cooper, Craig, Cunningham and Williams, giving said committee leave to report thereon by bill or otherwise; the 5th, 9th, 14th and 15th, to the committee for courts of justice; the sixth to the committee of propositions and grievances; the seventh to a select committee of messrs. Caldwell, J. Clark, Shannon and Stevenson; the eighth to a select committee of messrs. Garrard, Hickman, Bullitt, J. Clark, Warfield and Hughes; the eleventh to a select committee of messrs. Townsend, Lyne, Calhoon and Winlock; the thirteenth to a select committee of messrs. Gerard, Todd, and Boyd, giving said committees leave to report by bills or otherwise.

Ordered, That the public printers forthwith print 150 copies of the fifth petition for the use of the members of this house.

Mr. Howard from the committee appointed for that purpose, reported a bill to establish an election precinct in Madison county; which was received and read the first time, and ordered to be read a second time.

And then the house adjourned.

THURSDAY, OCTOBER 19, 1820.

The Speaker laid before the house a letter from Robert Alexander, Esq. President of the Bank of Kentucky, to the clerk of this house, enclosing a return of the names of the presidents, directors and officers of the branches of said bank, which is as follows, viz.

BANK OF KENTUCKY, 17th Oct. 1826.

SIR,

The act to amend and continue in force for a longer period the charter of the Bank of Kentucky, directs that I shall make a return to you annually, of the names of the presidents, directors and other officers of the branches. This return I have now the honor to inclose.

I am, respectfully,

Sir, your most ob't. servant.

ROBT. ALEXANDER, PRES'T.

*The Clerk of the House of Representatives.**A list of the Officers and Directors of the Branches of the Bank of Kentucky.*

WASHINGTON BRANCH BANK.

Basil Duke, President. Marshall Key, Peter Lee, Henry Lee, John Chambers, Andrew Wood, Ezekiel Forman, Geo. B. Morton, James Ellis, Directors. Robert Taylor, jr. Cashier. Peyton R. Key, Clerk.

PARIS BRANCH BANK.

Daniel Duncan, President. William Scott, William Garrard, jr. Hugh Brent, Robert Trimble, Benjamin Mills, Solomon Spears, John G. Martin, Directors. William Hickman, Cashier. David Clarkson, Clerk.

WINCHESTER BRANCH BANK.

Samuel Hanson, President. John Mills, Thomas R. Moore, Cary K. Duncan, Chilton Allen, Samuel M. Taylor, Benjamin H. Buckner, Hubbard Taylor, Directors. Thomas P. Dudley, Cashier. Willis Collins, Clerk.

LEXINGTON BRANCH BANK.

Abram S. Barton, President. John Postlethwait, J. C. Richardson, jr. J. C. Breckinridge, Robert Tilford, Robert S. Todd, Thomas Anderson, Alexander Parker, Directors. Farmer Dewees, Cashier. William Henry, jr. 1st Clerk. B. Metcalf, 2d Clerk.

RICHMOND BRANCH BANK.

Ezekiel H. Field, President. Curtis Field, Robert Caldwell, Tarlton Embry, John Duncan, R. A. Sturgus, William Stone, R. G. Williams, John Patrick, Directors. William Williams, Cashier. R. C. Holder, Clerk.

DANVILLE BRANCH BANK.

James Birney, President. David Bell, James Barbour, Joshua Barbee, E. M'Dowell, Joseph Weisiger, M. G. Youce,

John Warren, Henry Speed, Directors. Benjamin. H. Perkins, Cashier. Willis Curd, Clerk.

SHELBYVILLE BRANCH BANK.

Wingfield Bullock, President. James Moore, John Willett, John Bradshaw, George Woolfolk, John Logan, Mark Hardin, Joseph Venable, William Taylor, Directors. Abram Smith, Cashier. Fielding Winlock, Clerk.

SPRINGFIELD BRANCH BANK.

Elias Davison, President. Jos. B. Lancaster, E. B. Gaither, N. H. Hall, W. T. Phillips, R. H. Nantz, Benedict Spalding, Wm. B. Booker, John Calhoun, Directors. Jack Jouitt, Cashier. Raphael Lancaster, Clerk.

BARDSTOWN BRANCH BANK.

William R. Hynes, President. William P. Duvall, Samuel Belmear, Nathaniel Wickliffe, Peter W. Grayson, William Shadburn, Thomas Speed, Daniel S. Howell, Charles Nourse, Directors. James T. Pendleton, Cashier. John M'Meekin, jr. Clerk.

LOUISVILLE BRANCH BANK.

Thomas Prather, President. Robert Breckinridge, Cuthbert Bullitt, Dennis Fitzhugh, F. W. S. Grayson, Abram Hite, Daniel Fetter, William Pope, jr. John Edwards, Directors. John Bustard, Cashier. E. T. Bainbridge, Clerk.

GLASGOW BRANCH BANK.

Samuel Murrell, Sr. President. Henry Crutcher, Richard Garnett, B. B. Winn, James Hall, William Logan, Joel Yancey, Joseph Winlock, John M'Ferrin, Directors. R. P. Beauchamp, Cashier. J. M. Blain, Clerk.

RUSSELLVILLE BRANCH BANK.

Richard Bibb, jr. President. John Breathitt, William J. Morton, Boas. Roberts, Reuben Ewing, David Caldwell, James Wilson, George W. Whitaker, Thomas Nantz, Directors. Joseph D. Hamilton, Cashier. Charles Loffland, Clerk.

HOPKINSVILLE BRANCH BANK.

James H. M'Laughlin, President. Reizin Davidge, John Bryan, Thomas Moore, Benj. W. Patton, E. B. Edwards, John Buckner, Edward Morris, Stro. J. Hawkins, Directors. James Clarke, Cashier. O. G. Warfield, Clerk.

The Speaker also laid before the house the petition of Vincent Anderson, praying a divorce from his wife Joannah, late Joannah Langdon.

Which petition was received, read, and referred to the committee of religion.

The Speaker also laid before the house the petition of Mat. thew Lyon, praying that his former petition to this house, may be referred to a select committee to be raised for that purpose.

Which was received, read and laid on the table.

Mr. Hall presented the petition of sundry citizens of the counties of Barren, Cumberland, Adair and Green, praying for the establishment of a new county out of a part of each of said counties.

Mr. Ferguson presented the petition of the county court of Jefferson, praying that a law may pass authorising said court to erect suitable buildings for the accommodation of the poor of said county, to be maintained therein at the expence of the county, instead of the present mode of supporting the poor.

Mr. Hall presented the petition of John Ingram, praying a divorce from his wife Sally, late Sally Savage.

Mr. Crow presented the petition of Henry Greenwell, praying a divorce from his wife Rachel, late Rachel Harned.

Mr. Ferguson presented the petition of John Britton, praying a divorce from his wife Hester Britton.

The first was laid on the table ; the second was committed to a select committee of messrs. Garrard, Hickman, Bullitt, J. Clark, Warfield, Hughes, Ferguson, Bray and Miller ; the third and fifth to the committee of religion.

The question being taken on referring the fourth petition to the proper committee, it was decided in the negative, and so the said petition was rejected.

Mr. Ferguson presented the report of the Louisville and Shelbyville Turnpike Road Company ; which was received and read as follows, to wit :

The President and Managers of the Shelbyville and Louisville Turnpike Road Company, agreeably to the act of incorporation, beg leave to report to the honorable the legislature of the commonwealth of Kentucky, that they have contracted for all the road to be turnpiked agreeably to the act of incorporation which lies between Louisville and Middletown, a distance of eleven and one fourth miles ; all of which it is confidently believed, will be completed by the first day of January next. The within report of the Treasurer of the company, exhibits a statement of the funds of the institution.

JOHN EDWARDS,

President Board Managers.

October 12, 1820.

A REPORT of the Treasurer of the Shelbyville and Louisville Turnpike Road Company, which exhibits, viz: The amount called on each share, the amount paid, and the amount unpaid by the shareholders; also, the situation of the Treasury. All of which is most respectfully submitted to the honorable the Legislature of the state of Kentucky, viz.

CAPITAL STOCK.

1330 shares of \$100 subscribed in	
Jefferson county,	133,000
302 Shelby,	3,200—163,000 00
Amount of eleven calls, making 80	
per cent. on a share,	130,560 00
Amount paid by sundry shareholders over and in anticipation of	
calls,	3,474 00

134,034 68

Amount paid on calls in Jefferson	
county,	72,551 07
Amount Shelby county,	4,890 31—77,441 38
Amount due, Jefferson,	37,323 61
Amount due, Shelby,	19,269 69—56,593 30
	134,034 68

CASH ACCOUNT, VIZ.

Amount received from stockholders up to this	
day, including interest account,	77,700 78
Amount paid to orders on Treasury, from No.	
1 to 646, inclusive,	77,565 96

Balance of cash, \$134 82

I, George C. Gwathmey, Treasurer of the above company, do certify that the above statement exhibits its situation on this day. Given under my hand, October 10, 1820.

GEO: C. GWATHMEY, Tr.

Mr. Lancaster from the joint committee of enrolments, reported that the committee had examined an enrolled resolution fixing on a day for the election of a senator in congress.

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

Ordered, That Mr. Lancaster inform the senate thereof.

A message from the senate by Mr. Lee, their secretary:

Mr. Speaker,

The senate have received official information that the governor did on this day approve and sign an enrolled resolution.

tion which originated therein, fixing on a day for the election of a senator in congress. And they have adopted a resolution for appointing a joint committee to examine the government house ; in which resolution they request the concurrence of this house.

And then he withdrew.

Mr. Fletcher nominated Mr. Isham Talbot as a proper person to fill the office of senator in congress in the room of William Logan, Esq. resigned ; Mr. Howard nominated Mr. Samuel M'Kee ; Mr. S. D. Clark nominated Mr. Joseph Desha ; and Mr. Cassidy nominated Mr. John Rowan.

Ordered. That Mr. Wickliffe inform the senate of the said nominations, and that this house is now ready by a joint vote with the senate, to proceed to the said election ; and that the usual mode will be observed in conducting said election, of dropping the hindmost candidate, until some one shall have obtained a majority of all the votes given.

A message from the senate by Mr. Owens :

Mr. Speaker,

The senate are ready by a joint vote with this house, to proceed to the election of a senator in congress ; and the same gentlemen stand on nomination before the senate for that office, as those reported from this house, and will observe the rule proposed, in conducting said election.

And then he withdrew.

The house then proceeded to the said election, when the vote stood thus :

For Mr. Isham Talbot—Mr. Speaker, messrs. Allen, Anderson, Blakey, Bray, Butler, Cockerill, Cravens, Crow, Fletcher, French, Gaines, Garrard, Gerard, Gordon, Henderson, Hickman, Hunter, Miller, H. W. Moore, Mosley, O'Bannon, Philips, N. P. Porter, Rudd, Ruffin, Sandford, Stevenson, Todd, Townsend, Warfield and Winlock—32.

For Mr. Samuel M'Kee—Messrs. Barnett, Boyd, Bullitt, Caldwell, Cooper, Craig, Emerson, Farrow, Green, Howard, Love, Noland, W. Patterson, Patton, Selby, Sharp, Spillman, Stone, Williams and Woods—20.

For Mr. Joseph Desha—Messrs. Chisholm, S. D. Clark, Geohagen, Hall, Harris, Hughes, Lacey, Lee, Lynch, Mulens, Murray, M'Millan, Parker, J. Patterson, O. C. Porter, Prewitt, Roberts and Taylor—18.

For Mr. John Rowan—Messrs. Bedinger, Berry, Brents, Calhoon, Cassidy, J. Clark, Cotton, Cunningham, Ferguson, Grundy, King, Lancaster, Lyne, T. P. Moore, Mumford, M'Affee, M'Elroy, Payne, Rife, Scott, Shacklett, Shannen,

Slaughter, Wakefield, Watkins, Wickliffe and Wilcoxson—27.

Messrs. Lancaster Howard, Green and Fletcher, were appointed a committee on the part of this house to meet a committee to be appointed on the part of the senate, and compare the votes and report the state of the same.

The said committee then retired, and after a short time returned, when Mr. Lancaster reported that the joint vote stood thus:

For Mr. Isham Talbot,	42
Samuel M'Kee,	23
Joseph Desha,	26
John Rowan,	39

No one on the nomination having obtained a majority of all the votes, the house proceeded to a second ballot between the three standing highest on the first, when the vote stood thus:

For Mr. Isham Talbot—Mr. Speaker, messrs. Allen, Anderson, Blakey, Bray, Butler, Chisholm, S. D. Clark, Cockerill, Cravens, Crow, Farrow, Fletcher, French, Gaines, Garrard, Gerard, Gordon, Harris, Henderson, Hickman, Hughes, Hunter, Lacey, Lee, Miller, H. W. Moore, Mosley, O'Bannon, Parker, J. Patterson, Philips, N. P. Porter, O. C. Porter, Roberts, Rudd, Ruffin, Sandford, Stevenson, Taylor, Todd, Townsend, Warfield, Williams and Winlock—45.

For Mr. Samuel M'Kee—Messrs. Barnett, Boyd, Bullitt, Caldwell, Cooper, Craig, Emerson, Geohagan, Green, Howard, Love, Mullens, M'Millan, Noland, Patton, Prewitt, Selby, Sharp, Spillman, Stone and Woods—21.

For Mr. John Rowan—Messrs. Bedinger, Berry, Brents, Calhoon, Cassidy, J. Clark, Cotton, Cunningham, Ferguson, Grundy, Hall, King, Lancaster, Lynch, Lyne, T. P. Moore, Munford, Murray, M'Affee, M'Elroy, W. Patterson, Payne, Rife, Scott, Shacklett, Shannon, Slaughter, Wakefield, Watkins, Wickliffe and Wilcoxson—31.

The same committee again retired, and after a short time returned, when Mr. Lancaster reported that the joint vote stood thus:

For Mr. Isham Talbot,	59
Samuel M'Kee,	30
John Rowan,	46

No one on the nomination having yet obtained a majority of all the votes, the house proceeded to a third vote between the two highest on the second, which stood thus:

For Mr. Isham Talbot—Mr. Speaker, messrs. Allen, Anderson, Blakey, Boyd, Bray, Butler, Chisholm, S. D. Clark, Cockerill, Cravens, Crow, Farrow, Fletcher, French, Gaines, Garrard, Gerard, Geohegan, Gordon, Harris, Henderson, Hickman, Howard, Hughes, Hunter, Lacey, Lee, Miller, H. W. Moore, Mosley, Mullens, M'Millan, O'Bannon, Parker, J. Patterson, Patton, Phillips, N. P. Porter, O. C. Porter, Prewitt, Roberts, Rudd, Ruffin, Sandford, Stevenson, Taylor, Todd, Townsend, Warfield, Williams and Winlock—52.

For Mr. John Rowan—Messrs. Barnett, Bedinger, Berry, Brents, Bullitt, Caldwell, Calhoon, Cassidy, J. Clark, Cooper, Cotton, Craig, Cunningham, Emerson, Ferguson, Green, Grandy, Hall, King, Lancaster, Love, Lynch, Lyne, T. P. Moore, Munford, Murray, M'Affee, M'Elroy, M'Kee, Noland, W. Patterson, Payne, Rife, Scott, Selby, Shacklett, Shannon, Sharp, Slaughter, Spillman, Stone, Wakefield, Watkins, Wickliffe, Wilcoxson and Woods—46.

The same committee again retired, and after a short time returned, when Mr. Lancaster reported that the joint vote stood thus :

For Mr. Isham Talbot, 69

For Mr. John Rowan, 67

A majority of all the votes appearing in favor of Mr. Isham Talbot, he was thereupon declared duly elected.

And then the house adjourned.

FRIDAY, OCTOBER 20, 1820.

Mr. Ferguson presented the petition of David L. Ward, praying compensation for the value of a negro slave, committed to the jail of Jefferson county on a charge of felony, from whence he made his escape, and has not been since heard of.

Which petition was received, read and referred to the committee of claims.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. Emerson—1. A bill for the benefit of John Francis and Richard Slavey.

By Mr. Gerard—2. A bill to legalize the acts of the trustees of the town of Lawrenceburg.

And by Mr. Caldwell—3. A bill for the benefit of the heirs of Henry Rohrer, deceased.

Which bills were severally received and read the first time, and ordered to be read a second time.

Leave was given to bring in the following bills :

On the motion of Mr. Warfield—1. A bill to amend an act entitled an act regulating divorces in this commonwealth.

On the motion of Mr. Williams—2. A bill to amend an act for appropriating the vacant lands in this commonwealth, approved February 4, 1820.

On the motion of Mr. Emerson—3. A bill further to regulate the payment of the debt due the commonwealth for the sale of vacant lands.

On the motion of Mr. Calhoun—4. A bill to appoint trustees to the Hartford academy, and for other purposes.

On the motion of Mr. Wickliffe—5. A bill to amend and extend the charter of the Bank of Kentucky.

On the motion of Mr. Warfield—6. A bill to amend an act entitled an act to amend an act entitled an act concerning occupying claimants of land.

On the motion of Mr. Slaughter—7. A bill to establish the bank of the commonwealth of Kentucky.

On the motion of Mr. Cockerill—8. A bill to amend the attachment law.

On the motion of Mr. Hall—9. A bill to repeal an act entitled an act to amend the penal laws, passed February, 1820.

On the motion of Mr. M'Millan—10. A bill to establish private pass-ways.

On the motion of Mr. Mosely—11. A bill to amend the act for the relief of insolvent debtors, approved February 14th, 1820.

On the motion of Mr. Ferguson—12. A bill to amend the law incorporating the Shelbyville and Louisville Turnpike Road Companies.

On the motion of Mr. Lynch—13. A bill to appoint trustees in the town of Franklin in the county of Simpson.

On the motion of Mr. Roberts—14. A bill to alter the mode of taking in lists of taxable property.

On the motion of Mr. Farrow—15. A bill to amend the militia law.

On the motion of Mr. M'Afee—16. A bill to provide for the protection of public buildings.

On the motion of Mr. O. C. Porter—17. A bill to repeal an act approved 5th February, 1819, relative to the town of Morgantown, and for other purposes.

On the motion of Mr. Ferguson—18. A bill for the inspection of domestic distilled spirits intended for exportation.

On the motion of Mr. Miller—19. A bill to class tobacco, and for other purposes.

On the motion of Mr. Ferguson—20. A bill to amend the several acts regulating proceedings in civil cases.

On the motion of Mr. Wickliffe—21. A bill to divide the fifth judicial district in this commonwealth.

On the motion of Mr. J. Clark—22. A bill to reduce magistrates' fees.

On the motion of Mr. Harris—23. A bill establishing an election precinct in Floyd county.

On the motion of Mr. Bray—24. A bill more effectually to restrain the licentiousness of slaves in this commonwealth.

Messrs. Warfield, Payne, Garrard, Lancaster and M'Afee, were appointed a committee to prepare and bring in the first; messrs. Williams, Emerson, Wickliffe, Calhoun, Rufin, Hall and Watkins, the second; messrs. Emerson, Brents, Slaughter, H. W. Moore and Selby, the third; messrs. Calhoun, Crow, Cotton and Watkins, the fourth; messrs. Wickliffe, Green, Howard, Brents, M'Kee, Ferguson, Butler, Fletcher and Garrard, the fifth; messrs. Warfield, Cassidy, Hickman, Garrard, Brents and Rudd, the sixth; messrs. Slaughter, Brents, N. P. Porter, Warfield, Henderson, M'Kee, M'Afee and Ferguson, the seventh; messrs. Cockerill, Hall, Warfield, Stevenson and Shacklett, the eighth; messrs. Hall, T. P. Moore, Calhoun, French and Howard, the ninth; messrs. M'Millan, Howard, French, S. D. Clark, Fletcher, Hickman and Calhoun, the tenth; messrs. Mosely, Fletcher, Ferguson, Shannon and French, the eleventh; messrs. Ferguson, Gerard, Miller, Bullitt and Boyd, the twelfth; messrs. Lynch, Murray, Rudd, Gordon and Wickliffe, the thirteenth; messrs. Roberts, Winlock, Woods, Bullitt, Stone and Brents, the fourteenth; messrs. Farrow, Butler, Wakefield, Williams, Rudd and M'Afee, the fifteenth; messrs. M'Afee, T. P. Moore, Lyne, Henderson and Warfield, the sixteenth; messrs. O. C. Porter, Calhoun, Cunningham, Watkins and Murray, the seventeenth; messrs. Ferguson, Bray, Miller, Taylor and Munford, the eighteenth; messrs. Miller, Green, Howard, Lancaster, Bray, M'Afee, N. P. Porter and Allen, the nineteenth; messrs. Ferguson, M'Kee, Brents, Butler, Watkins, Shannon and Payne, the twentieth; messrs. Wickliffe, Ferguson, Calhoun, Shacklett, Lyne and Grundy, the twenty-first; messrs. J. Clark, Selby, Mosely and Howard, the twenty-second; messrs. Harris, Lee, Rudd and Fletcher, the twenty-third; and messrs. Bray, Ferguson, Miller, Gerard and Love, the twenty-fourth.

Mr. Howard read and laid on the table a joint resolution

for appointing joint committees to examine the different public offices, and the penitentiary institution.

Mr. Ferguson moved the following resolution, viz.

Resolved, That the committee of religion be discharged from the consideration of the several petitions for divorces, which were heretofore referred to them; and that the same be referred to the select committee this day appointed to bring in a bill to amend an act regulating divorces in this commonwealth.

Which being twice read, was disagreed to.

Mr. Bedinger read and laid on the table the following resolution, viz.

Resolved by the Senate and House of Representatives of the Commonwealth of Kentucky, That it is the opinion of both houses of this legislature, that the law of this state which requires that every member shall take an oath against duelling, is constitutional; and therefore, that no member of either house, be permitted to take his seat until he shall have complied with the requisitions of said law.

Mr. Calhoun moved for leave to bring in a bill to reduce the jurisdiction of justices of the peace; and the question being taken on granting leave to bring in said bill, it was decided in the negative, and so the said motion was disagreed to.

The house took up the petition of Matthew Lyon, laid on the table on the sixteenth instast.

Ordered, That the said petition, with the accompanying documents, depositions, &c. be referred to a select committee of messrs. Fletcher, Howard, Green, Wickliffe, Gordon, Berry and Brents.

The house took up a resolution from the senate, appointing a joint committee to examine the government house; which was twice read, and concurred in as follows, viz.

IN SENATE, October 18, 1820.

Resolved by the General Assembly of the Commonwealth of Kentucky, That two from the senate and four from the house of representatives, be appointed to examine the situation of the government house, furniture, &c. and report their opinion thereon by bill or otherwise.

Att. WILLIS A. LEE, C. S.

Whereupon messrs. Todd, Miller, Townsend and Garrard, were appointed a committee on the part of this house.

Ordered, That Mr. Todd inform the senate thereof.

A bill to erect an election precinct in Madison county, was read a second time, and committed to a select committee of messrs. Fletcher, Howard, T. P. Moore, Harris, Lee and Roberts.

And then the house adjourned.

SATURDAY, OCTOBER 21, 1820

Mr. Calhoun presented the petition of sundry citizens of the counties of Ohio, Grayson and Breckinridge, praying for the establishment of a new county out of a part of each of said counties.

Mr. Gordon presented the petition of sundry citizens of Hopkins county, praying that the place of holding elections in the precinct in said county, may be changed to the town of Belville.

Mr. Howard presented the petition of Green Clay, on behalf of Mary, a negro slave of said Clay, representing that said Mary is confined in the jail of Madison county on a charge of murder; and that owing to the excitement and prejudice existing against her in said county, he believes she cannot obtain a fair and impartial trial, and praying for a change of venue.

Mr. S. D. Clark presented the petition of Harry Martin, praying a divorce from his wife Joannah, late Joannah Gunsaulis.

Mr. Green presented the petition of Solomon Griffin, and the heirs and representatives of Caty Smith, representing that Ephraim Pearce in the year 1807, obtained a certificate from the county court of Lincoln for 150 acres of land, one half of which he sold to Solomon Griffin, and the other to Caty Smith; that the state price on said land has been paid, and the same has been regularly surveyed, but the register refuses to issue a grant thereon, alleging that the county court had no power to grant such certificate, and praying for the passage of a law authorising the emanation of a grant or grants for said lands, founded on said county court certificate.

Mr. Green presented the petition of Betsey Horton, praying that a law may pass granting to her 50 acres of vacant land, on which she resides in Lincoln county.

Mr. Todd presented the petition of sundry citizens of Franklin, Washington and Mercer counties, praying for the erection of a new county out of a part of each of said counties.

Which said petitions were severally received and read; the first was referred to a select committee of messrs. Calhoun, Cunningham Murray, Gordon and Watkins; the second to a select committee of messrs. Gordon, Watkins, Winlock, Calhoun and Townsend; the third, fifth and sixth, to the committee for courts of justice; the seventh to the committee of propositions and grievances; and the question being taken on referring the fourth to the committee of religion, it was decided in the negative, and so the said petition was rejected.

On motion,

Ordered, That messrs. Woods, Garrard and Townsend, be added to the committee appointed to prepare and bring in a bill to establish private pass-ways; and that Mr. Philips be added to the committee appointed to prepare and bring in a bill to class tobacco.

The Speaker laid before the house a letter from the auditor of public accounts, covering several documents exhibiting the state of his office; which letter and documents, were then taken up, and read as follows, viz.

AUDITOR'S OFFICE, 21st October, 1820.

DEAR SIR,

You will please lay before the house over which you preside, the accompanying statements from No. 1 to 8, and very much oblige,

Yours respectfully,

PORTER CLAY, AUD.

*Geo. C. Thompson, Esq. Speaker
of the House of Representatives.*

The auditor of public accounts has the honor to state to the general assembly, that he is required by the act of 1798, on the 6th day of each annual stated session, to report a general statement, shewing the financial condition of the commonwealth for the whole year; that his predecessor accordingly reported such a statement up to the 10th of Nov. 1819; that as the sixth day of the present session of the general assembly arrives prior to the termination of the year since the last annual report, he has been reduced to the necessity of either deferring his report until the 10th of November next, or to make one for a shorter period than a year. The latter branch of the alternative has been preferred; and he has now the honor of submitting a report comprising a period of 11 months,

beginning on the 10th November, 1819, and ending on the 10th day of October, 1820. Hereafter (should it be deemed necessary by the legislature) he will submit a supplemental report for the remaining month, to complete the year.

I have the honor to be,

Your obedient humble servant.

PORTER CLAY, Aud.

Auditor's office, October 21st, 1820.

No. 1.

A statement of monies received and paid at the Treasury during eleven months, ending on, and including the 10th day of October, 1820, viz.

For the revenue collected by sheriffs

for the year	1793,	\$113 33
Ditto	1794,	105 63
Ditto	1796,	680 84
Ditto	1803,	562 86
Ditto	1814,	574 16
Ditto	1815,	2,240 02
Ditto	1816,	1,495 98
Ditto	1817,	128 29
Ditto	1818,	72,846 22
Ditto	1819,	3,410 31—82,157 64

For taxes on law process, deeds, seals and other public documents, viz.

Clerks of courts,	11,940 14
Secretary of state,	1 90—11,942 04
Fines,	711 66
Miscellaneous receipts,	56 28
From the agent of the penitentiary,	19,181 45

For dividends on the state's stock in the Bank of Kentucky, viz.

For the six months ending on the first day of January, 1820,	19,540 87
Ditto on the first day of July 1820,	17,709 14—37,250 01

For tax on stock owned by individuals in the Bank of Kentucky,

7,886 25

For tax on the stock of independent banks,

2,261 38

From the commissioners of internal navigation for monies received in the year 1818, which they did not expend,

1,190 84

For tax on non-residents' lands,

1,137 11

\$163,774 66

Amount brought forward,	163,774 66
For purchases of non-residents' lands,	844 85
For the bank stock fund, viz.	
Lands granted under the acts of 1795, 1797 and 1800, known by the appellation of headrights,	5,247 82
Ditto acts of February, 1815 & 1820,	5,402 68
Ditto Tellico,	159 57
Ditto granted under the act for encouraging the manufacture of salt,	285 40—11,095 47
	<hr/> 175,714 98
Balance to the debit of the treasurer on the 11th day of November, 1819,	53,984 52
	<hr/>
Grand Total,	\$229,699 50

PAID.

Warrants reported by the treasurer to have been paid up to the 10th day of Oct. 1820,	159,009 15
	<hr/>
Balance to the debit of the treasurer on the 10th of October, 1820,	\$70,690 32

No. 2.

A statement of warrants drawn by the Auditor on the Treasurer during eleven months, ending on, and including the 10th of October, 1820, shewing the amount drawn for each source of expenditure, the amount of warrants paid and unpaid in the same period, viz.

Sheriffs for the revenue 1818,	29 62
Bank stock fund,	20,300 00
Loans to the penitentiary,	20,709 74
Sergeant for the court of appeals,	543 62
Contingent expences, including the cost of distributing the acts and journals of the last legislature, and the amount paid A. K. Marshall, reporter of the decisions of the court of appeals,	2,777 67
Draw-backs on vacant lands,	93 11
Public communications,	1,361 49
Pensioners,	60 00
Sheriffs for comparing polls of election,	949 74
Slaves executed,	1,200 00
Littell's Laws of Kentucky,	390 50

\$48,415 43

Amount brought forward,	48,415 49
Money refunded for taxes twice paid, &c.	269 70
For the support of Lunatics,	10,935 01
Commissioners of tax,	6,142 37
Military expenditures,	655 29
For the salaries of the Executive and Judiciary Departments,	24,203 41
Attornies for the year 1819,	3,958 20
Appropriation bill, December session, 1819, including the compensation of the several officers of the legislature, public printing, fuel, and all other expences enumerated in the bill, except the compensation to the Speakers in each house,	12,120 45
Legislature, December session, 1819, including the daily attendance and mileage of the members and the compensation to witnesses,	19,345 76
Criminal prosecutions,	12,877 06
Purchases of non-residents' lands,	751 93
Clerks' services, including ex-officio services, copying commissioners' books, books and presses for the use of their offices,	7,074 94
Executive offices for fuel, stationary, &c.	1,646 07
Jailors for attending circuit courts, dieting criminals, &c.	4,143 16
Public printers,	305 30
Attornies for 1820,	226 50
Surveyors for copying entries under the requisitions of the act of last session,	326 15
Transylvania University, for the use of the medical department,	5,000 00
Public roads,	129 00
Appropriations, December session, 1818,	5 60
State boundary line,	413 00
Sheriffs for 1816,	13 77
Ditto 1817,	20 63
Total amount,	5158,978 84
Warrants unpaid on the 10th Nov. 1819, that issued since 10th Nov. 1809, all others anterior to the last mentioned date, are presumed to have been paid,	277 49
	159,256 36

Amount brought forward, 159,256 32
 Warrants reported by the treasurer to have
 been paid on the 10th October, 1820, (See
 statement No. 1.) 159,009 18

Warrants unpaid on the 10th October, 1820, 247 15
 No. 3.

*A statement of balances due to the government on the 10th of
 October, 1820.*

Of the revenue collectable by sheriffs, there are

due for the year	1793,	104 06
Ditto	1794,	138 61
Ditto	1796,	1,865 36
Ditto	1798,	101 36
Ditto	1799,	217 25
Ditto	1800,	172 26
Ditto	1802,	31 99
Ditto	1803,	1,662 21
Ditto	1806,	6 3 26
Ditto	1807,	279 43
Ditto	1809,	48 58
Ditto	1811,	52 44
Ditto	1815,	10 26
Ditto	1817,	2,269 07
Ditto	1818,	810 64
From clerks for taxes on law process, &c.		3,706 18
Secretary of state.		23 75
From the former treasurer,		2,965 34
Penitentiary for loans,		21,956 80
Commissioners of internal navigation,		761 46
For tax on independent banks,		19,617 01

Total debt due, \$57,407 32

No. 4.

*A statement of balances due from the government on the 10th
 day of October, 1820, and of which the amount in the Treas-
 ury on the same day, is, under the existing laws, subject to
 the payment, viz.*

Due to the purchasers of non-residents' lands,	341 79
For warrants unpaid,	247 15
To sheriffs for the year 1813,	69 02
Ditto 1814,	20 00

\$677 96

Amount brought forward,	677 96
Bank stock funds,	879 64
Salaries,	4,937 50
Attornies for 1819,	241 80
	<hr/>
Total amount of debt due,	\$6,735 90

No. 5.

A statement shewing the probable amount of expenditures of the government for the year to end on the 10th October, 1821, viz.

For the annual salaries of officers of the executive department,	7,900 00
The salaries of the judiciary, attorney general and district attornies,	24,000 00
Ex-officio services of clerks, copying lists of taxable property, books, presses, &c.	9,000 00
Legislature, October session, 1820, including the pay of members and officers, fuel, stationary and witnesses,	30,000 00
The sergeant of the court of appeals for attending on said court and general court,	600 00
Military expenditures,	800 00
Postage,	1,200 00
Pensioners,	60 00
Sheriffs comparing polls of elections,	400 00
Criminal prosecutions,	12,000 00
For the support of lunatics,	12,000 00
For execution of slaves,	2,000 00
Printing and binding the acts of assembly and journals of October session,	2,900 00
Jailors attending circuit courts, dieting criminals, &c.	4,000 00
Commissioners of revenue tax,	7,000 00
Contingent expences,	6,000 00
Fuel, stationary, &c. for executive offices,	2,000 00
Surveyors, for copying entry books in compliance with the act of December session, 1819,	2,500 00
Surveying the lands west of the Tennessee river, under the act of last session,	6,000 00
	<hr/>
Total,	\$130,360 00

No. 6.

A statement of the amount of money which is expected to be paid to the Treasury, in the year to end on the 10th of October, 1821, subject to the expences of government.

The gross amount of revenue collectable by sheriffs for the year 1819, and made payable on the 1st Monday in December next, is

\$97,779 00

The average loss on the collection of revenue by sheriffs, including commission for collecting, insolvents and sums paid by sheriffs under the act giving compensation for killing wolves, it is presumed will be 20 per cent. amounting to

19,555 00

78,224 00

Of which said revenue there was paid previous to the 10th of October, 1820,

\$3,410

There are annually delinquencies on the part of sheriffs, from one to six thousand dollars. It is supposed it will amount in the ensuing year, to

3,000—6,410 00

Which will leave a sum that may be expected with some certainty to be paid in the ensuing year, of

71,814 00

From clerks for tax on law process, deeds, seals, &c. 9,000 00

The register of the land office, 600 00

Secretary of state, 30 00

From non-residents for tax on land, 4,500 00

The bank of Kentucky for the tax on the stock owned by individuals, 8,000 00

The bank of Kentucky for the dividends on 596,700 dollars, stock owned by the state in said institution, for the ensuing year, at six per cent. 35,800 00

Of the bonus arising from independent banks amounting to 19,617 dollars, it is presumed there will not be paid more than 2,000 00

Of the balances stated to be due government as detailed in statement No. 3. there will be collected on account of the revenue for the years 1793—94, 1817 and 18, 3,239 00

Of the balances due for the years 1796—8—9, 1800 2—3—6—7—9—11 and 15, no part will be collected,

\$134,983 00

Amount brought forward, 134,983 00
 Of the balance due from clerks, there will be paid 2,000 00
 Of the other balances due no part is expected to be collected.

Amounting in the whole to 136,983 00
 To which add the balance in the treasury on the 10th October, 1820, 70,690 32

Making in all, \$207,673 32
 From which deduct for balance due from government on the 10th of October, 1820, as per statement No. 4. 6,736 90
 Also the amount of statement No. 5. 130,360 00—137,096 90

The probable balance which is expected to be in the treasury on the 10th October, 1821, \$70,576 42
 No. 7.

A statement of the situation of the Penitentiary.

MANUFACTURES.

From 1st October 1819, to the 30th September 1820, the Agent's receipts to the Keeper, viz :

For cut nails, \$10,010 08
 Wrought do. 592 92
 Shoes, 5,232 31
 Hair, 1,230 36
 Blacksmith's work, 2,861 95
 Stone, 2,375 —————
 Total amount of agent's receipts, 22,302 62

The Keeper consumed in the manufacturing of the above articles, raw materials to the amount of 10,752 92

Gross profit on the articles manufactured, 11,549 70

The expences of the institution in the same period are,

For fuel, 171 18
 Clothing in part, 24 94
 Contingencies including clothing in part, 1,078 75
 Dieting, 3,243 50
 Guards, 960

The agent and keeper's salaries, commissions and the pay of an assistant keeper, 3,150 38—8,628 75

Net profits, 2,920 95

THE KEEPER.

There was due to him on the first day of October, 1819,	4,000 22
He has expended from that period to the 30th day of September, 1820, as enumerated in the manufacturing account,	5,478 37
In the same period paid for raw materials,	7,844 24
Total,	17,322 83
He has received from the treasury in the same period	15,650 00
Due to the keeper on the 1st October, 1820,	1,672 83

LOANS.

There was due to government for loans on the 1st of October, 1819,	21,353 09
From the 1st of October, 1819, to the 30th September 1820, warrants were drawn on the treasury for the purchase of materials to the amount as above stated, of	15,650 00
Also for the payment in part, of the compensation due to the agent and keeper,	4,065 99
Total,	541,069 08

Paid by the agent to the treasurer in the year ending on the 30th September, 1820,	
Debts,	17,025 84
Sales,	2,486
Cost,	531 51
Interest,	149 68
	20,193 03

Due to the government on the 1st day of October, 1820,	20,876 05
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RAW MATERIALS.

On hand the 1st day of October, 1819,	6,017 31
Purchased in the year ending 1st October, 1820,	7,844 24
Total amount of raw materials	13,861 55
Consumed in the manufactures in the same period,	10,752 92
On hand,	3,108 63

SALES.

Sold in the year ending 30th Sept. 1820,	
On a credit,	25,509 95
For cash,	2,486 00—25,795 95

THE AGENT.

There were in his hands on the 1st day of October, 1819, debts and manufactured articles, to the amount of	68,400 67
From that period to the 1st day of Oct. 1820, he has been charged with manufactured articles	22,502 62
With interest received,	149 68
Costs do.	531 51—86,384 42
In the same period he has been credited	
By cost paid,	772 98
Monies paid into the treasury,	20,193 03
Articles furnished the commissioners for superintending the rebuilding the state house, as per appropriation bill, 1814,	4,000 00—24,966 01
	61,418 47

The general account of the institution was on the 1st day of October, 1820,

CREDITS.

By effects in the hands of the agent,	61,418 47
Raw materials on hand,	3,108 63—64,527 10

DEBTS.

Loans due to the state,	20,876 05
Due to the keeper,	1,672 83
Due for a debt contracted by the keeper,	9,000 00
Due James Paul for iron,	1,500 00
To the keeper and agent for commission,	1,042 93—34,091 81
	\$30,435 29

No. 8.

Presuming that the legislature had intended to condense the fund created by an act of assembly, approved on the 28th day of January, 1818, for the improvement of internal navigation, I scarcely deemed it necessary to make any report upon that subject. But observing in the governor's communication to your honorable body, that his excellency has

called your attention to that subject; it may be of some importance to know what would have been the situation of that fund, had it not been touched for other purposes of government. I therefore submit the following statement under that head.

Amount in the treasury on the 10th day of November, 1819, subject to the improvement of internal navigation,	49,179 39
Dividends on the state's stock in the bank of Kentucky, for the six months ending on the first day of January, 1820,	19,540 87
Ditto on the first July, 1820,	17,709 14
Amount paid in the treasury by the commissioners of internal navigation, which they had not expended,	1,190 84
Total amount subject to internal navigation,	87,620 15
Balance in the treasury on the 10th day of October, 1820, see statement No. 1.	70,690 32

Amount expended out of the fund created for the improvement of internal navigation, which has been applied to other purposes of the government, \$16,929 83
 The foregoing statements are respectfully submitted to the senate.

PORTER CLAY, Aud.

AUDITOR'S OFFICE, Oct. 21st, 1820.

Mr. McKee from the committee for courts of justice, made the following report, viz.

The committee for courts of justice have according to order, had under consideration several petitions to them referred, and have come to the following resolutions thereupon, to wit:

Resolved, That the petition of Jonathan Bozarth, representing that he is entitled to 340 acres of land, part of a tract of 1070 acres, in the name of Samuel Culberson, which was sold by the register of the land office for the taxes due thereon; that the certificate of sale was regularly transferred to the petitioner, but has since been lost or mislaid; and praying that a law may pass authorising the register of the land office to make him a deed for said land, is reasonable.

Resolved, That the petition of sundry citizens of Bracken county, praying that a law may pass changing the time of holding the July term of their circuit court, is reasonable.

Which being twice read, was concurred in.

Ordered, That the said committee prepare and bring in bills pursuant to said resolutions.

Mr. Garrard from the committee of religion made the following report, viz.

The committee of religion have according to order, had under consideration sundry petitions to them referred, and have come to the following resolutions thereupon, to wit :

1. *Resolved*, that the petition of William H. Dunn representing that his wife at their marriage was pregnant by another man of which he was ignorant, praying for a divorce, is reasonable.

2. *Resolved*, That the petition of John Hughes, representing that his wife about four months after their marriage was delivered of a child by another man, and was a prostitute, of which he was ignorant, and praying for a divorce, is reasonable.

3. *Resolved*, That the petition of Austin Clayton, representing that his wife has abandoned him for four years, and been living in adultery with another man, and praying for a divorce, be rejected.

4. *Resolved*, That the petition of Benjamin M. Irvine, representing that his wife has abandoned him for upwards of three years, and living in adultery with another man, and praying for a divorce, be rejected.

5. *Resolved*, That the petition of Sally Clark, representing that her husband about eight or nine years ago abandoned her without any cause, and praying for a divorce, be rejected.

6. *Resolved*. That the petition of Vincent Anderson, representing that shortly after his present marriage, he discovered that his wife had a husband still living, praying for a divorce, is reasonable.

7. *Resolved*, That the petition of John Ingram, representing that his wife has executed notes since their marriage to another person for a considerable amount, but purporting to have been given before their marriage, with the intention of defrauding him, which notes he has paid off, and that she has abandoned him for about eighteen or twenty months, and praying for a divorce, is reasonable.

Which being twice read, and the seventh resolution amended by expunging therefrom the words "is reasonable," and inserting in lieu thereof, the words "be rejected," was concurred in.

Ordered That the said committee prepare and bring in bills pursuant to the first, second and sixth resolutions.

A message from the senate, by Mr. Lee, their secretary :

Mr. Speaker,

The senate have adopted a resolution appointing committees to examine the public offices ; and a resolution appointing a joint committee to examine the Bank of Kentucky ; in which resolutions they request the concurrence of this house.

And then he withdrew.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. Townsend—1. A bill for the benefit of the heirs of Cornelius Robertson, deceased.

By Mr. Ferguson—2. A bill amending the law incorporating the Shelbyville and Louisville turnpike road company ; and 3. A bill to amend the several acts regulating proceedings in civil cases.

Which bills were severally received and read the first time, and ordered to be read a second time.

Ordered, That the public printers print 120 copies of the third bill for the use of the members of this house.

The Speaker laid before the house a letter from the treasurer of this commonwealth, inclosing his annual report, exhibiting the state of that office ; which letter and report was read as follows, viz.

TREASURER'S OFFICE, 21st Oct. 1820.

SIR,

You will please lay before the honorable house over which you preside, the inclosed statement, which gives a concise view of the situation of the treasury department, from the 10th of November, 1819, to the 10th of October, 1820,

I have the honor to be,

Very respectfully,

Your ob't. humble serv't.

SAML. SOUTH, Tre.

The Honorable Geo. C. Thompson,

Speaker of the House of Representatives.

A statement of monies received and paid at the Treasury in the eleven months, ending on, and including the 10th day of October, 1820, together with the amount of money in the Treasury on the 10th of November, 1819.

RECEIPTS.

For money received on headright lands,	\$4,836 21
Ditto Vacant lands,	5,814 29
Ditto Manufacturing of salt,	444 97

F

11,095 47

Amount brought forward,	11,093 47
Ditto Non-residents' lands,	1,981 96
Ditto Sheriffs,	82,157 64
Ditto Clerks,	11,940 14
Ditto Secretary of state,	1 90
Ditto Fines,	711 66
Ditto Tax on bank stock,	10,147 63
Ditto Penitentiary,	19,181 45
Ditto Dividends on bank stock owned by the state in the bank of Ky. for the months ending 31st Jan. 1820,	19,540 87
Ditto Ending 1st July, 1820,	17,709 14
Miscellaneous receipts,	56 28
Internal navigation,	1,190 84

Total amount received in 1820, 175,714 98

To amount in the treasury on the 10th Nov. 1819, 53,984 52

Total amount, \$229,699 50

This statement exhibits the amount of monies paid for warrants drawn on the Treasury from the 10th of November 1819, to the 10th of October, 1820, inclusive.

For bank stock subscribed,	20,300 00
Do. draw-backs on vacant lands,	33 11
Penitentiary for loans, &c.	20,721 65
Sergeant of the court of appeals,	543 62
Public communications,	1,361 49
Legislature, December session, 1819,	27,939 49
Money refunded,	105 50
Public road,	94 50
Public printing,	2,943 70
Lexington academy,	5,000 00
State boundary line,	805 00
Judiciary department,	20,212 15
Executive department,	7,566 06
Executive offices,	1,942 33
Negroes executed,	1,200 00
Littell's Laws of Kentucky,	340 50
Criminal prosecutions,	13,401 00
Lunatics,	11,134 26
Commissioners of tax,	6,312 20
Purchase of non-residents' lands,	706 14
Sheriffs' comparing polls,	931 95

142,594 65

Amount brought forward,	142,594 85
Clerks of circuit and county courts,	7,264 69
Jailors,	3,950 09
Contingent expences,	2,825 95
Pensioners,	60 00
Military expenditures,	987 65
Surveyors for transcribing entries,	326 15

Total amount,	159,009 12
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Aggregate amount of receipts including money in the treasury on the 10th of November, 1819	229,699 50
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Amount of warrants paid in the same time,	159,009 12
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Cash in the treasury on the 10th day of Oc- tober, 1820,	\$70,690 32
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FRANKFORT, 21st October, 1820.

The foregoing statement is respectfully submitted to the house of representatives.

SAML. SOUTH, TR.

Leave was given to bring in the following bills :

On the motion of Mr. Philips—1. A bill to alter the mode of summoning jurors in this commonwealth.

On the motion of Mr. French—2. A bill to amend an act entitled an act to reduce into one the several acts concerning wills, the distribution of intestates' estates, and the duty of executors and administrators, approved February 24, 1797.

On the motion of Mr. Williams—3. A bill for the relief of the heirs of Spencer Fletcher, deceased.

On the motion of Mr. M'Kee—4. A bill to repeal the act entitled an act concerning champerty and maintenance, approved December 22d, 1798, and revive the law of champerty and maintenance.

On the motion of Mr. Lynch—5. A bill for the appointment of an additional number of justices of the peace in the county of Simpson, to reside in the town of Franklin.

On the motion of Mr. Roberts—6. A bill to alter the time of holding the circuit court of Nicholas county.

On the motion of Mr. Mosely—7. A bill to amend the law subjecting lands to the payment of debts.

On the motion of Mr. O. C. Porter—8. A bill to prevent the use of spirituous liquors at, and near places of public worship during divine service.

And on the motion of Mr. M'Affee—9. A bill to establish a public library at the seat of government.

Messrs. Philips, Bullitt, Garrard, M'Kee, Miller and Lancaster, were appointed a committee to prepare and bring in the first ; messrs. French, Ferguson, Fletcher, Woods and M'Millan, the second ; messrs. Williams, King, Cooper, Emerson and M'Kee, the third ; messrs. M'Kee, M'Affee, Ferguson, Wickliffe and Green, the fourth ; messrs. Lynch, Cotton, Scott, Wickliffe, Calhoun and Slaughter, the fifth ; messrs. Roberts, Bedinger, Rudd, Philips and Sandford, the sixth ; messrs. Mosely, French, Henderson, Howard and Scott, the seventh ; messrs. O. C. Porter, Calhoun, Lyne, M'Elroy, Philips and Blakey, the eighth ; and messrs. M'Affee, Gerard, Garrard, Ruffin, Brents and Todd, the ninth.

Mr. Grundy moved for leave to bring in a bill to increase the number of judicial districts of this commonwealth ; and the question being taken on granting said leave, it was decided in the negative, and so the said motion was rejected.

Ordered, That Mr. Warfield have leave of absence from the service of this house for ten days.

Mr. Allen read and laid on the table a joint resolution instructing our senators and requesting our representatives in congress, to use their exertions to procure a repeal of the charter of the Bank of the United States.

And then the house adjourned.

MONDAY, OCTOBER 25, 1820.

Mr. Emerson presented the petition of sundry citizens of Wayne county, praying that a law may pass granting 100 acres of vacant land to Mary Neal, a poor widow of said county.

Mr. Todd presented the petition of sundry citizens of Galatin county, praying that a law may pass to add a part of said county to the county of Owen.

Mr. Roberts presented the petition of Polly Beatty, praying a divorce from her husband, Adam Beatty.

Which petitions were severally received, read and referred ; the first to a select committee of messrs. Emerson, Cooper, Hall and Love, giving said committee leave to report thereon by bill or otherwise ; the second to the committee of propositions and grievances ; and the third to the committee of religion.

Mr. M'Affee from the select committee to whom was referred so much of the governor's message as relates to the navigation of the Ohio river, made the following report, viz.

Report of the Ohio River Committee.

The committee to whom so much of the governor's message was referred as relates to the navigation of the Ohio river, would respectfully report :

That they are of opinion, that improving the navigation of that river will be attended with important advantages to this state as well as other adjoining states. They believe that the navigable streams of any country ought to constitute one of the first objects of its government ; and no people in the United States are more interested on these subjects than the citizens of Kentucky. Remote from the great highway of nations, it is only by improving the channels already provided by nature, that the great body of agriculturists living on the waters of the Ohio, can ever expect to be essentially benefitted. It is already well understood, that the attention of the western country has for some time been anxiously turned to this matter, and that it has constituted an object of the first magnitude in our deliberations for several years. to devise plans and afford facilities by which our trade may be changed into its natural channels ; and in doing so, your committee are decidedly of opinion, that our citizens will more easily extricate themselves from their present difficulties, and procure their necessary supplies by exchanging the surplus produce of their soil for them, instead of draining the state of its circulating medium, and sending it in a direction from whence it never returns. It is by pursuing a course of trade contrary to our interest, and which has always left the balance against us, that in some measure has involved the country in many of its difficulties, and which we believe will still continue to increase until we can prove to the mercantile class of our citizens, that it is their interest to look to the west. The many obstructions to our navigable streams, and the uncertainty of receiving a return cargo for two seasons past, have in some degree damped the hopes of the enterprising, and produced great disappointment to the shippers of our produce. To remove this complaint, ought at this time to be an object of great consequence.

Your committee have taken some trouble to ascertain the real condition of the obstructions in the Ohio river from Louisville to its mouth ; the result of which is, a conviction of the practicability of removing them, even in the course of one

season like the present, so that steam-boats of ordinary size can ascend at any time. The first obstruction worthy of notice below the Falls, is at Flint Island, about twenty miles above the mouth of Sinking creek; the second is at French Island about six miles below the Yellow Banks; both of which consist principally of sand-bars and some loose rocks, and can be easily removed by deepening the channel. There is a third, near Shawneetown, but unimportant. The greatest obstruction is at a place called the *Grand Chain of Rocks*, a few miles below the mouth of Cumberland. At this place, in low water, there is a strong current, and a considerable appearance of rocks, which lie loose in the channel, and which your committee are informed can be removed without much difficulty. It is possible that there may be some few other obstructions which have escaped our attention; but if there are any, they are very inconsiderable, and consist at most of sand-bars, which can be removed by deepening the channel. These improvements being accomplished, will at once render our mercantile transactions in that direction certain. The shipper of our flour, tobacco, pork and hemp, will not be disappointed in receiving the return load, which has hitherto been the case. And may we not then confidently hope, that the products of a soil not surpassed by any on the globe, will soon restore the balance of trade, & render us really independent in our monied transactions as we now are in our political institutions. It is in vain for the attention of our citizens to be directed to the Orlean's market, unless the legislature lend their aid in the accomplishment of so valuable an object as the improvement of their principal highway to that place; and as Louisville will certainly become the principal depot for a large portion of this state, your committee feel themselves induced to recommend the improvement of that portion of the Ohio river below, as an object of the first magnitude; and we may certainly calculate, that so soon as the merchant believes that it is his interest to procure his supplies from below, so soon may we expect to realize our hopes: Therefore,

Resolved, That an appropriation ought to be made to improve the navigation of the Ohio river from its mouth to Louisville.

Resolved, That the governor of this commonwealth be requested to open a correspondence with the governors of the states of Tennessee, Virginia, Pennsylvania, Ohio, Illinois and Indiana on this subject; that they be respectfully solicited to lay the same before the legislatures of their states, that

an appropriation may be made to aid in the accomplishment of the above objects.

The resolutions recommended by said committee being twice read, the question was then put on concurring with the committee in adopting the first, which was decided in the affirmative.

The yeas and nays being required thereon by messrs. Noland and Garrard, were as follows, viz.

Yeas—Mr. Speaker, messrs. Allen, Anderson, Barnett, Boyd, Bray, Brents, Butler, Calhoun, S. D. Clark, Cravens, Crow, Cunningham, Ferguson, Fletcher, Gaines, Gerard, Gordon, Green, Grundy, Henderson, Hickman, Howard, Hughes, King, Love, Lyne, Miller, Mosley, Murray, M'Afee, M'Kee, M'Millan, Philips, N. P. Porter, Rife, Selby, Shacklett, Shannon, Slaughter, Spillman, Todd, Wakefield, Watkins, Wilcoxson and Woods—46.

Nays—Messrs. Bedinger, Berry, Blakey, Caldwell, Cassidy, Chisholm, J. Clark, Cockerill, Cooper, Cotton, Craig, Emerson, Farrow, French, Garrard, Geohegan, Hall, Harris, Lacey, Lancaster, Lee, Lynch, Mullens, Munford, M'Elroy, Noland, O'Bannon, Parker, J. Patterson, W. Patterson, Payne, O. C. Porter, Roberts, Rudd, Ruffin, Sandford, Scott, Sharp, Stone, Taylor, Townsend, Wickliffe, Williams and Winlock—44.

The second resolution being amended, was then concurred in.

Ordered, That said committee prepare and bring in a bill pursuant to said resolution.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. Cockerill—1. A bill to amend the attachment law.

By Mr. Ferguson—2. A bill providing for the inspection of domestic distilled spirits intended for exportation.

By Mr. Emerson—3. A bill further to regulate the payment of the debt due the commonwealth for the sale of vacant lands.

By Mr. Williams—4. A bill for the relief of Spencer Fletcher's heirs.

By Mr. Hall—5. A bill to repeal an act entitled an act to amend the penal laws, approved February 11th, 1820.

Which bills were severally received and read the first time and ordered to be read a second time.

Leave was given to bring in the following bills:

On the motion of Mr. O'Bannon—1. A bill for the benefit of mechanics.

On the motion of Mr. Hall—2. A bill to repeal a part of the act entitled an act to reduce into one the several acts respecting free negroes, mulattoes and Indians, approved February 8th, 1798.

On the motion of Mr. Butler—3. A bill requiring physicians to obtain license.

On the motion of Mr. Noland—4. A bill to amend an act entitled an act reserving certain property from execution, approved February 4, 1815.

And on the motion of Mr. Ferguson—5. A bill to amend the laws relative to executions.

Messrs. O'Bannon, M'Kee, Slaughter, Woods, Parker and Rudd, were appointed a committee to prepare and bring in the first; messrs. Hall, Howard, Spillman, Stevenson and Watkins, the second; messrs. Butler, Shannon, Slaughter, Henderson and Green, the third; messrs. Noland, Fletcher, Woods, M'Millan, Brents and Shannon, the fourth; and messrs. Ferguson, Henderson, Shaanon, Bullitt and Philips, the fifth.

Mr. Todd from the joint committee appointed to examine the government house, reported a resolution, which was twice read, amended, and concurred in as follows, viz.

Resolved by the General Assembly of the Commonwealth of Kentucky. That a bill be introduced appropriating a sum not exceeding two thousand dollars to repairing and furnishing the government house, to erecting suitable out-buildings, renewing the enclosures, and making the necessary pavements around the same.

Ordered. That the committee on the part of this house prepare and bring in a bill pursuant to said resolution.

A message from the senate by Mr. Owens:

Mr. Speaker.

The senate have passed a bill entitled an act providing for a change of venue in the case of Mary, a slave; in which bill they request the concurrence of this house.

And then he withdrew.

Mr. Bedinger moved for leave to bring in a bill to repeal in part an act to amend and continue in force for a longer period the charter of the Bank of Kentucky, and for other purposes.

And the question being taken on granting leave to bring in said bill, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Bedinger and Cassidy, were as follows, viz.

Yeas—Mr. Speaker, messrs. Allen, Andersen, Bedinger, Berry, Blakey, Brents, Cassidy, Chisholm, S. D. Clark, Cockerill, Cooper, Craig, Cravens, Crow, Cunningham, Emerson, Farrow, French, Gaiaes, Geohagan, Gordon, Grundy, Hall, Hughes, King, Lacey, Lancaster, Lee, Lynch, Miller, Mosley, Mullens, Munford, M'Afee, M'Elroy, M'Millan, O'Bannon, Parker, J. Patterson, W. Patterson, Phillips, N. P. Porter, O. C. Porter, Rife, Roberts, Ruffin, Selby, Shacklett, Shannon, Sharp, Slaughter, Stone, Taylor, Watkins and Williams—56.

Nays—Messrs. Barnett, Boyd, Bray, Butler, Caldwell, Calhoun, J. Clark, Cotton, Ferguson, Fletcher, Garrard, Gerard, Green, Harris, Henderson, Hickman, Howard, Hunter, Love, Lyne, Murray, M'Kee, Noland, Payne, Sandford, Scott, Spillman, Stevenson, Todd, Townsend, Wakefield, Wickliffe, Wilcoxson and Woods—34.

Ordered, That messrs. Bedinger, Brents, Shannon, M'Afee, Slaughter, Watkins and Allen, prepare and bring in said bill.

Ordered, That Mr. T. P. Moore have leave of absence from the service of this house until Thursday next.

The following bills were severally read a second time—1. A bill for the benefit of John Francis and Richard Slavey; 2. A bill to legalize the acts of the trustees of the town of Lawrenceburg; 3. A bill for the benefit of the heirs of Henry Rohrer; 4. A bill for the benefit of the heirs of Cornelius Bobinson, deceased; 5. A bill amending the law incorporating the Shelbyville and Louisville turnpike road company; and 6. A bill to amend the several acts regulating proceedings in civil cases.

The 1st, 2d, 3d and 4th, were severally ordered to be engrossed and read a third time; the first and fourth on tomorrow; the fifth was laid on the table; and the sixth was committed to a committee of the whole house on the state of the commonwealth for Friday next.

And thereupon the rule of the house, constitutional provision, and third reading of the second and third bills being dispensed with, and the same being engrossed:

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Gerard carry the former, and Mr. Caldwell the latter bill to the senate, and request their concurrence.

The house took up a resolution from the senate appoint

ing joint committees to examine the public offices ; which being twice read, was concurred in as follows, viz.

IN SENATE, October 21, 1820.

Resolved by the general assembly of the commonwealth of Kentucky, That a joint committee of three from the senate and six from the house of representatives, be appointed to examine and report the state of the treasurer's office—and that four from the senate and eight from the house of representatives, be appointed to examine and report the state of the register's office—and that five from the senate and ten from the house of representatives, be appointed to examine and report the state of the auditor's office—and four from the senate and eight from the house of representatives, be appointed to examine into, and report the state of the penitentiary.

Att. WILLIS A. LEE, C. S.

Whereupon, messrs. Howard, Slaughter, Barnett, Farrow, Ruslin and Noland, were appointed a committee on the part of this house to examine the treasurer's office ; messrs. Sandford, Gordon, Cockerill, Winlock, Miller, Wakefield, Harris and Taylor, to examine the register's office ; messrs. Hickman, Allen, Lync, Munford, Williams, Wilcoxson, Prewitt, Watkins, Hall and J. Patterson, to examine the auditor's office ; and messrs. Grundy, Stevenson, Caldwell, Bedinger, Rudd, N. P. Porter, Chisholm and Cravens, to examine into, and report the state of the penitentiary.

Ordered, That Mr. Sandford inform the senate thereof.

The house took up a resolution from the senate appointing a joint committee to examine the Bank of Kentucky ; which was twice read, and concurred in as follows, viz.

IN SENATE, October 21, 1820.

Resolved by the General Assembly of the Commonwealth of Kentucky, That a committee of four from the senate and eight from the house of representatives, be appointed to examine the bank of Kentucky, and report specially the amount of capital stock of the said bank and its branches, distinguishing therein, the amount owned by the state and the amount owned by individuals ; also, the amount of the debts of the same, the money deposited therein, the notes in circulation and the specie in the principal bank and each of its branches, and such other matters and information in relation to the said bank and its branches as they may deem material ; and that they have power to send for persons, papers and records.

Att. WILLIS A. LEE, C. S.

Whereupon, messrs. Payne, J. Clark, Green, Fletcher, Calhoun, Brents, Cotton and Murray, were appointed a committee on the part of this house.

Ordered, That Mr. Brents inform the senate thereof.

A bill from the senate entitled an act providing for a change of venue in the case of Mary, a slave, was read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision, and second reading of said bill being dispensed with, the same was committed to the committee for courts of justice.

Mr. John Mercer, a member returned to serve in this house from the county of Caldwell, appeared, produced a certificate of his election, and of his having taken the oaths prescribed by the constitution of the United States, and the constitution and laws of this state, and took his seat.

Mr. M'Affee moved for leave to bring in a bill to repeal in part the act more effectually to suppress the practice of duelling.

And then the house adjourned.

TUESDAY, OCTOBER 24, 1820.

Mr. Sandford presented the petition of sundry citizens of Campbell county, praying that a law may pass to change the place of holding elections in the precinct in said county to the town of Visalia.

And also the petition of sundry citizens of said county, praying that the place of holding elections in the precinct in said county, may be changed to the town of Harrisburg.

The former was received, read and referred to a select committee of messrs. Sandford, Mullens, Scott, Caldwell and Murray; and the latter not being accompanied by the legal notice, was rejected.

Mr. M'Kee from the committee for courts of justice, to whom was referred a bill from the senate entitled an act to provide for a change of venue in the case of Mary, a slave, reported the same without amendment.

Ordered, That the said bill be read a third time.

And thereupon the rule of the house and constitutional provision being dispensed with, the said bill was read a third time.

And the question being taken on the passage of said bill, it was decided in the affirmative.

The yeas and nays being requirrd thereon by messrs. Noland and Cockerill, were as follows:

Yeas—Mr. Speaker, messrs. Allen, Barnett, Bedinger, Berry, Boyd, Bray, Brents, Butler, Caldwell, Calhoun, Cassidy, Chisholm, J. Clark, S. D. Clark, Cooper, Cotton, Craig, Cravens, Crow, Cunningham, Emerson, Farrow, Ferguson, Fletcher, French, Gaines, Garrard, Gerard, Geohagen, Gordon, Green, Grundy, Hall, Harris, Henderson, Hickman, Hughes, Hunter, King, Lancaster, Lee, Love, Lynch, Lyne, Mercer, Miller, H. W. Moore, Mosley, Mullens, Munford, Murray, M'Afee, M'Elroy, M'Kee, M'Millan, O'Bannon, Parker, W. Patterson, Patton, Payne, Phillips, N. P. Porter, O. C. Porter, Prewitt, Rife, Roberts, Rudd, Ruffin, Sandford, Scott, Selby, Shacklett, Shannon, Sharp, Slaughter, Spillman, Stevenson, Taylor, Todd, Townsend, Wakefield, Watkins and Wickliffe—84.

Nays—Messrs. Anderson, Blakey, Cockerill, Lacey, Noland, Stone, Wilcoxson and Williams—8.

Ordered, That Mr. M'Kee inform the senate thereof.

Mr. M'Kee from the same committee, made the following report, viz.

The committee for courts of justice according to order report the following bills as unfinished business of the last session, to wit:

A bill concerning the decisions of the court of appeals; a bill to amend an act reducing into one the several acts for apprehending and securing runaways; a bill to amend an act entitled an act authorising certain justices of the peace to grant injunctions, writs of ne exeat and habeas corpus; a bill for the formation of the county of Perry out of parts of the counties of Clay and Floyd; and a bill directing the clerk of the Hardin circuit court to perform certain duties.

The said bills were then taken up, and read the first time, and ordered to be read a second time.

Mr. M'Kee from the same committee, reported a bill to change the time of holding the July term of the Bracken circuit court.

Which was received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house and constitutional provision being dispensed with, the said bill was read a second time, and ordered to be engrossed and read a third time to-morrow.

Mr. Garrard from the committee of religion made the following report, viz.

The committee of religion have according to order, had under consideration several petitions to them referred, and have come to the following resolutions thereupon, to wit :

Resolved, That the petition of John Britton, representing that his wife is addicted to the use of ardent spirits, has squandered his property and threatened his life, and praying for a divorce, be rejected.

Resolved, That the petition of Robert E. Carstarphen, representing that when he married his wife, she was pregnant by another man, of which he was ignorant, and praying for a divorce, is reasonable.

Ordered, That said committee prepare and bring in a bill pursuant to the latter resolution.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. Cockerill—1. A bill for the benefit of Ignatius Turley.

By Mr. Garrard—2. A bill authorising the county courts to purchase lands and erect buildings for the accommodation of the poor.

By Mr. Wickliffe—3. A bill to amend and extend the charter of the Bank of Kentucky.

By Mr. Mosely—4. A bill to amend an act entitled an act subjecting lands to the payment of debts, approved December 17th, 1792.

By Mr. Mosely—5. A bill to amend an act for the relief of insolvent debtors, approved 14th February, 1820.

By Mr. Ferguson—6. A bill to amend the law relative to executions.

By Mr. Gordon—7. A bill to change the place of holding the election in the precinct in Hopkins county.

Which bills were severally received and read the first time and ordered to be read a second time.

Ordered, That the public printers forthwith print 150 copies of the third, fourth and sixth bills for the use of the members of this house.

Mr. Todd from the committee to whom was referred so much of the governor's message as relates to the embarrassed condition of the country, made the following report :

The committee to whom was referred so much of the governor's message as relates to the embarrassed condition of the country, have had the same under consideration, and have come to the following resolutions :

Resolved, That the situation of the country requires an increase of circulating currency, and in the absence of gold

and silver, that the same ought to be effected by an issue of notes from the Bank of Kentucky, or by a new bank, to be established under the patronage of the state.

Resolved, That an increase of circulating currency to the amount of ——— is required.

Resolved, That in all new issues of notes from the Bank of Kentucky, the president and directory thereof, shall loan the same in due proportion to the several counties in this state, and in limited sums; and that measures should also be taken to call in at least one fifth part of the same annually.

Resolved, That a portion of the proceeds of the sales of the vacant lands of this commonwealth, be, and the same are hereby pledged on the part of this state, as a fund for the redemption of said notes.

Resolved, That real estate hereafter sold under execution, be redeemed at any time within ——— and personal estate in ——— months.

Ordered, That the said report be committed to a committee of the whole house on the state of the commonwealth for to-morrow.

Mr. M'Asce moved the following resolution, viz.

Resolved, That all the correspondence, reports and papers, relative to the negotiation between the commissioners of this state and the state of Tennessee at the last session of the legislature as to their respective boundaries now in the possession of this house, be transmitted by the clerk to the office of the secretary of state for safe keeping.

Which being twice read, was adopted.

A message from the senate by Mr. Ewing :

Mr. Speaker,

The senate have passed a bill entitled an act for the benefit of Elizabeth Alexander; in which bill they request the concurrence of this house.

And then he withdrew.

Mr. Lancaster from the joint committee of enrolments, reported that the committee had examined an enrolled bill entitled an act providing for a change of venue in the case of Mary, a slave; and resolutions of the following titles: A resolution for appointing joint committees to examine the public offices; and a resolution appointing a joint committee to examine the Bank of Kentucky.

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

Ordered, That Mr. Lancaster inform the senate thereof.

The house resumed the consideration of a motion for leave to bring in a bill to repeal in part an act more effectually to suppress the practice of duelling.

And the question being taken on granting leave to bring in said bill, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Butler and Cockerill, were as follows, viz.

Yeas—Mr. Speaker, messrs. Barnett, Bray, Butler, Caldwell, Calhoun, Chisholm, S. D. Clark, Cunningham, Ferguson, Fletcher, French, Gerard, Geohegan, Gordon, Green, Grundy, Harris, Henderson, Howard, Hughes, King, Love, Lyne, Miller, H. W. Moore, Mullenn, Munford, M'Affee, M'Kee, M'Millan, O'Bannon, Patton, Phillips, N. P. Porter, Rife, Ruffin, Sandford, Shannon, Slaughter, Stevenson, Taylor, Todd, Wakefield, Watkins, Wilcoxson and Woods—47.

Nays—Messrs. Allen, Anderson, Bedinger, Berry, Blakey, Boyd, Cassidy, Cockerill, Cooper, Cotton, Craig, Craveas, Crow, Emerson, Farrow, Gaines, Garrard, Hall, Hunter, Lacey, Lancaster, Lee, Lynch, Mosley, Murray, M'Elroy, Noland, Parker, J. Patterson, W. Patterson, Payne, O. C. Porter, Prewitt, Roberts, Rudd, Scott, Selby, Shacklett, Sharp, Spillman, Stone, Townsend, Wickliffe and Williams—44.

Ordered, That messrs. M'Affee, M'Kee, Ruffin, Henderson and Butler, be appointed a committee to prepare and bring in said bill.

Engrossed bills of the following titles :—1. An act for the benefit of John Francis and Richard Slavey ; and 2. An act for the benefit of the heirs of Cornelius Robinson deceased.

Were severally read a third time, and the former amended by attaching thereto an engrossed clause by way of rider.

Resolved, That the said bills do pass ; that the title of the former be amended by adding thereto the words " Joseph Barnet and his associates," and that of the latter be as aforesaid.

Ordered, That Mr. Emerson carry the former, and Mr. Townsend the latter bills to the senate, and request their concurrence.

The following bills were severally read a second time, viz.—1. A bill to amend the attachment law ; 2. A bill providing for the inspection of domestic distilled spirits intended for exportation ; 3. A bill further to regulate the payment of the debt due the commonwealth for the sale of vacant lands ; 4. A bill to repeal an act entitled an act to amend the penal

laws, approved February 11th, 1820 ; and 5. A bill for the relief of Spencer Fletcher's heirs.

The first was committed to a committee of the whole house on the state of the commonwealth for Thursday next ; and the fourth to a select committee of messrs. Wickliffe, Ferguson, Scott, Stevenson and Williams ; the third and fifth were severally ordered to be engrossed and read a third time tomorrow ; and the question being taken on engrossing the second bill and reading it a third time, it was decided in the negative, and so the said bill was rejected.

A bill from the senate entitled an act for the benefit of Elizabeth Alexander, was read the first time and ordered to be read a second time.

And then the house adjourned.

WEDNESDAY, OCTOBER 25, 1820.

Mr. Brents presented the petition and memorial of some of the surviving officers of the Virginia state and continental lines, praying that a law may pass to effectuate the intention of the Virginia legislature, in appropriating 4000 acres of land, lying on the Mississippi, for the purpose of establishing a town thereon for the benefit of the officers and soldiers of the Virginia state and continental lines.

Mr. Green presented the petition of John M'Kinney of Rockcastle county, praying that a law may pass to grant to him 100 acres of vacant land.

Mr. M'Kee presented the petition of Taylor Noel, for himself and the heirs of John Crutchfield, representing that said Crutchfield made an entry for 9000 acres of land in Bourbon county, which was surveyed in part ; but said survey was never registered in consequence of the death of John Gale, the agent of said Crutchfield, which was unknown to his principal until the law had expired allowing the registry of said plat and certificate, but which certificate had been lost or mislaid ; that the said Crutchfield has departed this life, leaving several infant children, who are non-residents ; and that said land is unoccupied ; and praying that a law may pass to authorise a grant to issue on the certificate of survey. And also representing that he is entitled to the benefits arising from the passage of an act of assembly passed for the benefit of John Arnold ; and that the original plat and certificate therein referred to, has by some casualty been since lost or mislaid, in consequence of which the register refuses to issue a grant, and praying legislative relief.

And Mr. Butler presented the petition of John Aiken, praying for a divorce from his wife Catharine.

Which petitions were severally received, read and referred; the first and third to the committee for courts of justice; the second to a select committee of messrs. Green, Barnett, Howard and French, giving said committee leave to report thereon by bill or otherwise; and the fourth to the committee of religion.

Leave was given to bring in the following bills:

On the motion of Mr. Wickliffe—1. A bill to amend the law regulating the action of detinue.

On the motion of Mr. Phillips—2. A bill to amend the act entitled an act to amend the law concerning constables.

On the motion of Mr. M'Affee—3. A bill concerning the salaries of commonwealth's attornies.

On the motion of Mr. J. Patterson—4. A bill to amend the law concerning ejectments.

On the motion of Mr. Noland—5. A bill to add a part of Clay county to Estill.

On the motion of Mr. Prewitt—6. A bill to authorise the publication of advertisements in the Wasp and Independent Gazette.

On the motion of Mr. Selby—7. A bill authorising the appointment of viewers to view a way for a road from Danville to the Tennessee state line.

On the motion of Mr. Brents—8. A bill to amend the law concerning appeals and writs of error.

On the motion of Mr. Gerard—9. A bill to add a small part of Owen county to Franklin county.

On the motion of Mr. Ferguson—10. A bill to amend the law concerning constables.

On the motion of Mr. Phillips—11. A bill to provide for the inspection of domestic distilled spirits in the counties of Mason and Jefferson.

On the motion of Mr. O. C. Porter—12. A bill for the benefit of George Husbands.

On the motion of Mr. Emerson—13. A bill for the benefit of Cornelius Phillips.

On the motion of Mr. Ferguson—14. A bill to amend the law relative to the reading of deeds and other conveyances.

On the motion of Mr. Stevenson—15. A bill to authorise commissioners to run and mark the division line between the counties of Woodford and Franklin.

On the motion of Mr. Harris—16. A bill for the benefit of the widow and heirs of John Spurlock, deceased.

On the motion of Mr. Ferguson—17. A bill regulating the county courts within this commonwealth.

And on the motion of Mr. Howard—18. A bill for the benefit of the heirs of Elijah Broadus, deceased.

Messrs. Wickliffe, M'Kee, Bullitt, Ferguson and Woods, were appointed a committee to prepare and bring in the first; messrs. Philips, Allen, S. D. Clark and Rufin, the second; messrs. M'Acce, Woods, Wickliffe, Brents and Garrard, the third; messrs. J. Patterson, M'Kee, Brents, Green and Woods, the fourth; messrs. Noland, Cockerill, M'Kee, M'Millan and Farrow, the fifth; messrs. Prewitt, J. Patterson, Shannon, Love and O. C. Porter, the sixth; messrs. Selby, Green, Rife, Cooper, Spillman and King, the seventh; messrs. Gerard, Todd, Sandford, Murray and N. P. Porter, the ninth; messrs. Ferguson, Henderson, M'Millan, Shannon, Boyd and Hunter, the tenth; messrs. Philips, Ferguson, Bray, Lacey and Miller, the eleventh; messrs. O. C. Porter, Cathoun, Blakey, Slaughter and H. W. Moore, the twelfth; messrs. Emerson, Cooper, Cravens, Williams and Crow, the thirteenth; messrs. Ferguson, Henderson, Shannon, Bullitt and Watkins, the fourteenth; messrs. Stevenson, Hunter, Gerard, Todd and M'Millan, the fifteenth; messrs. Harris, Lee, Fletcher, M'Millan and Townsend, the sixteenth; messrs. Ferguson, N. P. Porter, Henderson, Shannon, Hall, Sandford and Slaughter, the seventeenth; messrs. Howard, Woods, Stone, Rufin and Cravens, the eighteenth; and that the committee for courts of justice prepare and bring in the eighth.

Mr. Williams moved for leave to bring in a bill to regulate the salaries of circuit judges of this commonwealth.

And the question being taken on granting leave to bring in said bill, it was decided in the negative, and so the said motion was rejected.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. M'Acce—1. A bill to establish a public library at the seat of government; 2. A bill to provide for the protection of public buildings.

By Mr. Lynch—3. A bill to appoint an additional number of justices of the peace in and for the county of Simpson.

By Mr. Todd—4. A bill providing for the repairing and furnishing the government house.

By Mr. Lynch—5. A bill to appoint trustees for the town of Franklin in the county of Simpson.

And by Mr. Bray—6. A bill more effectually to restrain the licentiousness of slaves in this commonwealth.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision, and second reading of the fifth bill being dispensed with, the same was ordered to be engrossed and read a third time to-morrow.

A message from the senate by Mr. Ewing :

Mr. Speaker,

The senate have passed a bill entitled an act further to regulate the payment of the debt due the commonwealth for the sale of vacant lands ; in which bill they request the concurrence of this house.

And then he withdrew.

A message from the senate by Mr. Lee, their secretary :

Mr. Speaker,

The senate have received official information that the governor did on this day approve and sign an enrolled bill which originated therein, entitled an act providing for a change of venue in the case of Mary, a slave. They have passed a bill which originated in this house entitled an act to legalize the acts of the trustees of the town of Lawrenceburg. And they have passed bills of the following titles :—An act further to indulge the settlers on the lands acquired by the treaty of Tellico ; and an act to amend an act entitled an act to amend an act to open a road from Mountsterling to the Virginia line by way of Prestonsburg, and for other purposes, approved February 4, 1820 ; in which two latter bills they request the concurrence of this house.

And then he withdrew.

Engrossed bills of the following titles :—1. An act further to regulate the payment of the debt due the commonwealth for the sale of vacant lands ; 2. An act for the relief of Spencer Fletcher's heirs ; and 3. An act to change the time of holding the July term of the Bracken circuit court,

Were severally read a third time, and the first laid on the table.

Resolved, That the second and third bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Williams carry the 2nd. and Mr. Rudd the third bills to the senate, and request their concurrence.

The following bills were severally read a second time, viz :—1. A bill concerning the decisions of the court of appeals ; 2. A bill to amend an act reducing into one the several acts for apprehending and securing runaways ; 3. A bill to amend an act entitled an act authorising certain justices of the peace to grant injunctions, writs of ne exeat and habeas corpus ; 4. A bill for the formation of the county of Perry out of parts of the counties of Clay and Floyd ; 5. A bill directing the clerk of the Hardin circuit court to perform certain duties ; 6. A bill for the benefit of Ignatius Turley ; 7. A bill authorising the county courts to purchase lands and erect buildings for the accommodation of the poor ; 8. A bill to amend and extend the charter of the Bank of Kentucky ; 9. A bill to amend an act entitled an act subjecting lands to the payment of debts, approved December 17th, 1792 ; 10. A bill to amend an act for the relief of insolvent debtors, approved 14th February, 1820 ; 11. A bill to change the place of holding the election in the precinct in Hopkins county.

The first was referred to the committee for courts of justice ; the second to a select committee of messrs. Brents, Williams, M'Millan, M'Kee, Hunter and Green ; the third, ninth and tenth to a committee of the whole house on the state of the commonwealth ; the third and tenth for to-morrow ; and the ninth for Tuesday the 31st instant ; the fourth (together with the petitions on that subject) to the committee of propositions and grievances ; the 5th, 6th, 7th and 11th, were severally ordered to be engrossed and read a third time to-morrow ; and the eighth was laid on the table.

A bill from the senate entitled an act for the benefit of Elizabeth Alexander, was read a second time and ordered to be read a third time.

And thereupon the rule of the house and constitutional provision being dispensed with, the said bill was read a third time.

Resolved, That the said bill do pass, and that the title thereof be amended by adding thereto " and her heirs."

Ordered, That Mr. Ruffin inform the senate thereof, and request their concurrence in the said amendment.

The following bills from the senate were severally read the first time, and ordered to be read a second time, viz.—1. An act further to regulate the payment of the debt due the commonwealth for the sale of vacant lands ; 2. An act further to indulge the settlers on the lands acquired by the treaty of Tellico ; and 3. An act to amend an act entitled an act to amend an act to open a road from Mountsterling to the Vir-

ginia line by the way of Prestonsburg, and for other purposes, approved February 4, 1820.

Mr. Fletcher moved for leave to bring in a bill to exempt property from sale under execution unless the same will command a certain portion of its value.

And the question being taken on granting leave to bring in said bill, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Sandford and Fletcher, were as follows, to wit :

Yeas—Mr. Speaker, messrs. Allen, Bedinger, Blakey, Bray, Brents, Bullitt, Caldwell, Cassidy, Chisholm, J. Clark, Cockerill, Cooper, Craig, Cravens, Cunningham, Farrow, Ferguson, Fletcher, French, Gaines, Gerard, Hall, Harris, Henderson, Hughes, Hunter, King, Lee, H. W. Moore, Mosley, Mullens, M'Afee, Noland, J. Patterson, Patton, N. P. Porter, O. C. Porter, Roberts, Sandford, Scott, Selby, Shannon, Sharp, Slaughter, Todd, Wilcoxson and Winlock—48.

Nays—Messrs. Anderson, Barnett, Berry, Boyd, Butler, Calhoun, S. D. Clark, Cotton, Crow, Emerson, Garrard, Geohagan, Gordon, Green, Grandy, Hickman, Howard, Lacey, Lancaster, Love, Lynch, Lyne, Miller, Munford, Murray, M'Elroy, M'Kee, M'Millan, O'Bannon, Parker, W. Patterson, Philips, Prewitt, Rife, Ruffin, Shacklett, Spillman, Stevenson, Stone, Taylor, Townsend, Wakefield, Watkins, Wickliffe, Williams and Woods—46.

Whereupon, messrs. Fletcher, Todd, Sandford, Henderson, Gerard, Brents, Allen and Mosely, were appointed a committee to prepare and bring in said bill.

And then the house adjourned.

THURSDAY, OCTOBER 26, 1820.

Mr. Caldwell presented the petition of the heirs of Peter Grow, deceased, praying that a law may pass authorising a sale of a tract of land belonging to said heirs (some of whom are infants) and a conveyance thereof to the purchaser.

Mr. O'Bannon presented the petition of sundry citizens of Caldwell county, praying for the erection of a new county out of part of said county of Caldwell.

Which petitions were severally read and referred ; the first to a select committee of messrs. Caldwell, J. Clark, M'Millan, Craig and Payne ; and the latter, with the accompanying documents, to the committee of propositions and grievances.

Mr. M'Millan from the committee of propositions and grievances, to which was referred a bill for the formation of the county of Perry out of parts of the counties of Clay and Floyd, reported the same without amendment.

Ordered, That the said bill be recommitted to a select committee of messrs. Love, Harris, Lee, Craig and Spillman.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. O'Bannon—1. A bill for the benefit of mechanics.

By Mr. Emerson—2. A bill for the benefit of Mary Neall.

By Mr. Williams—3. A bill to amend an act for appropriating the vacant lands in this commonwealth.

By Mr. Warfield—4. A bill to amend an act entitled an act regulating divorces in this commonwealth.

By Mr. M'Affee—5. A bill concerning the salaries of commonwealth's attorneys.

By Mr. Gerard—6. A bill adding a small part of Owen county to the county of Franklin.

By Mr. M'Affee—7. A bill to improve the navigation of the Ohio river from its mouth to Louisville.

By Mr. Ferguson—8. A bill regulating the county courts of this commonwealth.

By Mr. Prewitt—9. A bill to authorise the publication of advertisements in the Wasp and Independent Gazette.

By Mr. Butler—10. A bill requiring physicians to have license.

By Mr. Ferguson—11. A bill amending the law concerning constables; 12. A bill amendatory of the laws regulating conveyances.

By Mr. Roberts—13. A bill to alter the time of holding the circuit court in Nicholas county.

Which bills were severally received and read the first time and ordered to be read a second time.

The yeas and nays being required on reading the third bill a second time, by messrs. Williams and Scott, were as follows, viz.

Yeas—Mr. Speaker, messrs. Allen, Anderson, Bedinger, Berry, Blakey, Bray, Brents, Chisholm, Cockerill, Cooper, Craig, Cravens, Crow, Cunningham, Emerson, Ferguson, Fletcher, Gaines, Geohegan, Gordon, Hall, Harris, Henderson, King, Lee, Love, Lynch, Lyne, H. W. Moore, Mosley, Munford, M'Kee, Noland, O'Bannon, Parker, W. Patterson, N. P. Porter, O. C. Porter, Rife, Roberts, Rudd, Ruffin,

Selby, Shacklett, Shannon, Sharp, Slaughter, Taylor, Townsend, Watkins, Wilcoxson, Williams and Winlock—54.

Nays—Messrs. Barnett, Boyd, Butler, Caldwell, Calhoun, Cassidy, J. Clark, S. D. Clark, Cotton, Farrow, French, Garrard, Gerard, Green, Grundy, Hickman, Howard, Hughes, Hunter, Lacey, Lancaster, Miller, Mullens, Murray, M'Affee, M'Elroy, M'Millan, J. Patterson, Patton, Payne, Phillips, Prewitt, Sandford, Scott, Spillman, Stevenson, Stone, Todd, Wakefield, Warfield, Wickliffe and Woods—42.

The yeas and nays being required on reading the seventh bill a second time, by messrs. Noland and Williams, were as follows, viz.

Yeas—Mr. Speaker, messrs. Allen, Barnett, Bedinger, Boyd, Bray, Brents, Butler, Caldwell, Calhoun, Cassidy, J. Clark, S. D. Clark, Crow, Cunningham, Farrow, Ferguson, Fletcher, Gaines, Garrard, Gerard, Gordon, Green, Grundy, Henderson, Hickman, Howard, Hughes, Hunter, King, Lacey, Love, Lync, Miller, Mosley, Murray, M'Affee, M'Kee, M'Millan, J. Patterson, Patton, Payne, Phillips, N. P. Porter, Prewitt, Rife, Shacklett, Shannon, Slaughter, Spillman, Stevenson, Todd, Townsend, Wakefield, Watkins, Wilcoxson and Woods—57.

Nays—Messrs. Anderson, Berry, Blakey, Chisholm, Cockerill, Cooper, Cotton, Craig, Cravens, Emerson, French, Geohegan, Hall, Harris, Lancaster, Lee, Lynch, H. W. Moore, Mullens, Munford, M'Elroy, Noland, O'Bannon, Parker, W. Patterson, O. C. Porter, Roberts, Rudd, Ruffin, Sandford, Scott, Sharp, Stone, Taylor, Warfield, Wickliffe, Williams and Winlock—38.

Mr. Wickliffe from the select committee to whom was referred a bill to repeal an act entitled an act to amend the penal laws of this commonwealth, approved February 11th, 1820, reported the same with an amendment.

Which being twice read, was concurred in.

Ordered, That the said bill as amended, be engrossed and read a third time to-morrow.

Leave was given to bring in the following bills:

On the motion of Mr. Wickliffe—1. A bill to authorise the sale of the vacant lands of this commonwealth west of the Tennessee river.

On the motion of Mr. Cockerill—2. A bill for the benefit of Thomas Griffin.

On the motion of Mr. Gerard—3. A bill to provide for the safe-keeping of the public arms, and offices for the adjutant and quarter-master generals.

And on the motion of Mr. Townsend—4. A bill for the benefit of Samuel Teer.

Messrs. Wickliffe, M'Kee, Brents, Bullitt, Green, Fletcher, M'Affee and Howard, were appointed a committee to prepare and bring in the first; messrs. Cockerill, W. Patterson, Woods and Hughes, the second; messrs. Gerard, Anderson, Townsend, Brents and Cotton, the third; and messrs. Townsend, Crow, Cunningham, Emerson and Williams, the fourth.

A message from the senate by Mr. Ewing:

Mr. Speaker,

The senate concur in the amendment proposed by this house to a bill from the senate entitled an act for the benefit of Elizabeth Alexander.

And then he withdrew.

A message from the senate by Mr. Lee, their secretary:

Mr. Speaker,

The senate have passed a bill from this house entitled an act for the benefit of the heirs of Henry Rohrer, deceased. They have passed a bill entitled an act for the benefit of the heirs and representatives of Robert Hindman, deceased.—And they have adopted a resolution appointing a joint committee to confer with the proprietors of the Fayette Hospital, and for other purposes; in which bill and resolution they request the concurrence of this house.

And then he withdrew.

Engrossed bills of the following titles were severally read a third time, viz.—1. An act to appoint trustees to the town of Franklin in Simpson county; 2. An act directing the clerk of the Hardin circuit court to perform certain duties; 3. An act for the benefit of Ignatius Turley; 4. An act authorising the county courts to purchase lands and erect buildings for the accommodation of the poor; and 5. An act to change the place of holding the election in the precinct in Hopkins county.

Resolved, That the 1st, 2d, 3d and 5th bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the clerk carry the said bills to the senate and request their concurrence.

Ordered, That the fourth bill be recommitted to a select committee of messrs. Wickliffe, Hall, Garrard, Murray, Mosley, Lancaster and Payne.

The following bills were severally read a second time, viz. 1. A bill from the senate entitled an act further to regulate the payment of the debt due the commonwealth for the sale of

vacant lands ; 2. A bill from the senate entitled an act further to indulge the settlers on the lands acquired by the treaty of Tellico ; 3. A bill from the senate entitled an act to amend an act entitled an act to amend an act to open a road from Mountsterling to the Virginia line by way of Prestonsburg, and for other purposes, approved February 4th, 1820 ; 4. A bill to amend the law relative to executions ; 5. A bill to establish a public library at the seat of government ; 6. A bill to appoint an additional number of justices of the peace in and for the county of Simpson ; 7. A bill to provide for the protection of public buildings ; and 8. A bill providing for the repairing and furnishing the government house.

The first, second and third were ordered to be read a third time to-morrow ; the fourth was committed to a committee of the whole house for Wednesday next ; and the sixth to a select committee of messrs. Gordon, Ferguson, Cassidy, Sharp and Warfield ; and the fifth, seventh and eighth, (the eighth being amended at the clerk's table) were severally ordered to be engrossed and read a third time to-morrow.

And then the house adjourned.

FRIDAY, OCTOBER 27, 1820.

Mr. George Piercy, a member returned to serve in this house from the county of Shelby, appeared, produced a certificate of his election, and of his having taken the oaths prescribed by the constitution of the United States, and the constitution and laws of this state, and took his seat.

The Speaker laid before the house the petition of Henry Smock, praying for a divorce from his wife Ann Smock, for the crime of adultery.

Mr. Brents presented the memorial of sundry citizens of Livingston, representing that the Legislature of Virginia appropriated 4000 acres of land on the Mississippi, to be laid off into a town for the benefit of the officers and soldiers of the Virginia state and continental lines, and that attempts are now making by individuals to appropriate the same lands to the disadvantage and injury of the officers and soldiers of the Virginia state and continental lines, and praying that provision may be made for securing to said officers and soldiers their rights under the acts of Virginia.

Mr. Warfield presented the petition of sundry citizens of Harrison county, praying that a law may pass to permit John Endicott, late a constable of said county, to proceed to

collect all the debts put into his hands for collection, previous to his going out of office.

Mr. Green presented the petition of sundry citizens of Harlan county, praying that a part of said county may be added to the county of Knox.

Mr. Butler presented the petition of sundry citizens of Scott county, praying that a part of said county may be added to the county of Owen.

Also, the petition of the Grand and Deputy Grand Master of the Grand Lodge of Kentucky, praying that a law may pass to amend the act authorising a lottery for the benefit of said Grand Lodge, so as to allow them to draw the second and third classes of said lottery, and to provide for the appointment of other managers named in said act.

Mr. Craig presented the petition of Samuel Hord, jr. praying a divorce from his wife Nancy Hord.

And Mr. O'Bannon presented the petition of sundry citizens of Caldwell county, praying for a division of said county.

Which petitions were severally received and read ; the first and seventh were referred to the committee of religion ; the second to the committee for courts of justice ; the fifth and eighth, to the committee of propositions and grievances ; the third to a select committee of messrs. Warfield, Bedinger, Mosley, Philips and Prewitt ; and the sixth to a select committee of messrs. Butler, Green, M'Affee, M'Kee, Shannon and Miller, giving said committees leave to report thereon by bills or otherwise ; and the fourth was laid on the table.

The Speaker laid before the house a letter from William T. Henderson, Superintendant to survey the lands west of the Tennessee river, which was read as follows, viz.

FRANKFORT, 26th October, 1820.

SIR,

I beg leave thro' you to inform the house of representatives, that under the appointment with which I was honored by the legislature of Kentucky, as Superintendant to lay off the lands west of the Tennessee river, I have performed the duties required of me by the act under which I was appointed. That in obedience to its requisitions, I have caused four complete plats to be made out, each of which exhibits the townships and sections, as run and laid off. One of said plats I have delivered to the register of the land office, one to the auditor of public accounts, one to the clerk of Livingston county, and one

to the clerk of Caldwell county. I have also furnished the register of the land office, with a copy of my field book for all the lands laid off into townships and sections, as directed by said act.

Very respectfully,

Your ob't. humble serv't.

WILLIAM T. HENDERSON.

The Honorable Geo. C. Thompson.

Mr. Green moved for leave to bring in a bill to add a part of Harlan county to the county of Knox; and the question being taken on granting leave to bring in said bill, it was decided in the negative, and so the said motion was rejected.

Mr. M'Millan from the committee of propositions and grievances, made the following report, viz.

The committee of propositions and grievances, have according to order had under consideration two petitions to them referred, and have come to the following resolutions thereupon, to wit:

Resolved, That the petition of sundry citizens of Nicholas county, praying that a part of said county be added to the county of Harrison, be rejected.

Resolved, That the petition of sundry citizens of Mercer county, praying for the erection of an election precinct in said county, is reasonable.

Which being twice read was concurred in.

Ordered, That the said committee prepare and bring in a bill pursuant to the latter resolution.

Mr. Howard from the committee of privileges and elections, made the following report, viz.

The committee of privileges and elections, have according to order had under consideration the petition of Thomas Roberts, and the documents accompanying the same, and have agreed to the following report, to wit:

It appears to this committee that James Patton, a member returned to serve in this house from the county of Harrison, was at the time of his election, deputy for Absalom Adams, sheriff and collector of taxes for the state in the county of Harrison for the year one thousand eight hundred and nineteen; and that a quietus for the amount of such collection had not been obtained.

That he was also, collector of the county levy for said county, for which he is responsible: Therefore,

Resolved, That the said James Patton, is not by the constitution eligible to a seat in this house.

Resolved, That a writ of election issue to the said county of Harrison, to elect some fit person in the place of said Patton, the election to be held on the — day of — next.

Ordered, That the said report be committed to a committee of the whole house for Tuesday the 31st instant.

Mr. Garrard from the committee of religion made the following report, viz.

The committee of religion have according to order, had under consideration several petitions to them referred, and have come to the following resolutions thereupon, to wit :

Resolved, That the petition of Polly Beatty, representing that about seven years ago, her husband abandoned her without leaving any means for her support, and praying a divorce, be rejected.

Resolved, That the petition of John Akin, representing that upwards of two years ago his wife abandoned him, and praying for a divorce, be rejected.

Which being twice read were concurred in.

Mr. Fletcher from the select committee to whom was referred a bill to erect an election precinct in the county of Madison, reported the same with an amendment ; which being twice read was concurred in.

Ordered, That the said bill be engrossed, as amended, and read a third time on to-morrow.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. M'Kee from the committee for courts of justice—1. A bill for the benefit of Jonathan Bozarth.

By Mr. M'Acce—2. A bill to repeal in part an act more effectually to suppress the practice of duelling.

By Mr. Roberts—3. A bill to repeal the act altering the mode of taking in lists of taxable property.

By Mr. M'Millan—4. A bill to establish private pass-ways.

By Mr. Warfield—5. A bill to amend an act entitled an act to amend an act entitled an act concerning occupying claimants of land.

By Mr. Slaughter—6. A bill to establish the bank of the commonwealth of Kentucky.

By Mr. Phillips—7. A bill to provide for the inspection of domestic distilled spirits in the counties of Mason and Jefferson.

By Mr. Stevenson—8. A bill to amend an act entitled an act to ascertain and run the division line between the counties of Woodford and Franklin.

Which bills were severally received and read the first time and ordered to be read a second time.

Ordered, That the public printers forthwith print 150 copies of the fifth and sixth bills for the use of the members of this house.

A message from the governor by Mr. Anderson :

Mr. Speaker,

I am directed by the governor to lay before this house a message in writing.

And then he withdrew.

Bills from the senate of the following titles :—1. An act further to regulate the payment of the debt due the commonwealth for the sale of vacant lands; 2. An act further to indulge the settlers on the lands acquired by the treaty of Tellico; and 3. An act to amend an act entitled an act to amend an act to open a road from Mountsterling to the Virginia line by way of Prestonsburg, and for other purposes, approved February 4th, 1820,

Were severally read a third time.

Resolved. That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the clerk inform the senate thereof.

Mr. Love from the select committee to whom was referred a bill for the formation of a new county out of parts of the counties of Clay and Floyd, reported the same with an amendment, which being twice read was concurred in.

Ordered, That the said bill as amended, be engrossed and read a third time to-morrow.

Mr. Miller from the committee appointed for that purpose, reported a bill for classing tobacco in this commonwealth.

And then the house adjourned.

SATURDAY, OCTOBER 28, 1820.

On motion,

Resolved, That Mr. Williams be excused from, and that Mr. King be added to the committee appointed to examine the auditor's office.

Mr. Roberts presented the petition of sundry citizens of Fleming county, praying that a law may pass adding a part of said county to the county of Nicholas.

Mr. Calhoun presented the petition of John Ridgway, praying that a law may pass to permit him to build a dam across Rough creek in Ohio county, for the purpose of building a saw-mill.

Mr. Fletcher presented the petition of Robert M. Allison and William C. Allison, representing themselves as heirs of John Allison, deceased, who was an officer in the Virginia state line; and that they are entitled to 6000 acres of land lying west of the Tennessee river, in virtue of the military services of their said father, and praying that a law may pass permitting them to survey and carry into grant the entries for said lands.

Which petitions were severally received, read and referred; the first and second to the committee of propositions and grievances; and the third to the committee for courts of justice.

The message of the governor, communicated to the house on yesterday, was taken up and read as follows, viz.

Gentlemen of the House of Representatives,

I have just received, and now do myself the honor of laying before you, a copy of a letter from William T. Henderson, Esq. the superintendant appointed according to the provisions of an act of the last session of the legislature, entitled "an act to provide for laying off the lands west of the Tennessee river into townships and sections," in which he states he has completed the business assigned him according to the provisions of the said act.

JOHN ADAIR.

October 27th, 1820.

A copy of a letter from William T. Henderson, superintendant appointed to survey the lands west of Tennessee.

FRANKFORT, 27th, October, 1820.

SIR,

I beg leave to inform you that under the appointment with which I was honored by the legislature of Kentucky at their last session, as Superintendant to lay off the land west of the Tennessee river, I have performed the duty required of me by the act of assembly under which I was appointed.—That in pursuance of its provisions, I have caused four complete plats to be made out, each of which exhibits the townships and sections, as run and laid off. One of said plats I have delivered to the register of the land office, one to the auditor of public accounts, one to the clerk of Livingston county, and one to the clerk of Caldwell county. I have also

furnished the register of the land office with a copy of my field book, for all the lands laid off into townships and sections, as directed by said act.

Very respectfully,

Your obedient humble servant,

WILLIAM T. HENDERSON.

HIS EXCELLENCY JOHN ADAIR,

Governor of Kentucky.

A copy test, J. C. BRECKINRIDGE, Secretary.

Ordered, That the said message and letter be referred to the committee appointed to prepare and bring in a bill providing for a sale of the lands west of the Tennessee river.

A message from the senate by Mr. Pope :

Mr. Speaker,

The senate have passed a bill entitled an act to amend the law limiting the time of bringing suits ; in which bill they request the concurrence of this house.

And then he withdrew.

Mr. M'Kee from the committee for courts of justice, made the following report, viz.

The committee for courts of justice have according to order had under consideration the petition of Joseph R. Underwood for himself and others, representing that they are the heirs of John Rogers, deceased : and that they are entitled to 1400 acres of land in consideration of the military services of said Rogers in the revolutionary war, as an officer of the Virginia state line, and by purchase for a valuable consideration from ——— and praying that they may be permitted to carry the same into grant, and that provision may be made for carrying into effect the act of the Virginia legislature, appropriating 4000 acres of land at the Iron Banks for the purpose of establishing a town, and have come to the following resolutions thereupon, to wit :

Resolved, As the opinion of this committee, that immediate provision should be made for surveying the military land claims upon the state line establishment, west of the Tennessee river, and south of the line of division as originally made by the two boards of commissioners, to wit : The board for, and on behalf of the Virginia state line, and the Virginia state line on continental establishment.

Resolved, As the opinion of this committee, that Col. William Croghan is the person now legally authorised to execute the surveys, and that a law ought to pass directing the mode, time and manner of surveying the same.

Resolved, That it is the opinion of this committee, that a law ought to pass providing for the sale of the 4000 acres of land described in the memorial, and for the distribution of the proceeds among the persons entitled to the same.

They have also had under consideration the petition of Solomon Griffin and the heirs of Caty Smith, representing that Ephraim Pearce in 1817 obtained a certificate from the county court of Lincoln for 150 acres of land, one half of which he sold to Solomon Griffin, and the other to Caty Smith; that the state price has been paid thereon, and the same regularly surveyed, but the register refuses to issue a grant thereon, alleging that the county court had no power to grant such certificate, and praying for the passage of a law authorising the emanation of a grant or grants for said lands, and have come to the following resolution thereupon, to wit:

Resolved, That the said petition, is reasonable.

Which being twice read, the first and fourth resolutions were concurred in; and the second and third resolutions were laid on the table until Wednesday next.

Ordered, That the said committee prepare and bring in a bill pursuant to the fourth resolution.

Mr. Garrard from the committee of religion, made the following report, viz.

The committee of religion, have according to order had under consideration the petition of Samuel Hord, jr. representing that his wife has been guilty of fornication, and has abandoned him, praying for a divorce, and have come to the following resolution thereupon to wit:

Resolved, That the said petition, be rejected.

Which being twice read, was concurred in.

A message from the senate by Mr. Lee, their secretary:

Mr. Speaker,

The senate have passed bills from this house of the following titles:

An act to change the time of holding the July term of the Bracken circuit court; an act to change the place of holding the election in the precinct of Hopkins county; an act for the benefit of John Francis and Richard Slavey and Joseph Barnett and his associates; an act for the relief of Spencer Fletcher's heirs; and an act for the benefit of Ignatius Turley, with amendments to the three latter bills. They have passed a bill entitled an act allowing an additional number of constables' districts in certain counties; in which amendments and bill they request the concurrence of this house.

And then he withdrew.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. Cockerill—1. A bill for the benefit of Thomas Griffin.

By Mr. Warfield—2. A bill for the benefit of John Endicott.

By Mr. French—3. A bill to amend an act entitled an act to reduce into one the several acts concerning wills, the distribution of intestates' estates, and the duty of executors and administrators, approved February 4, 1797.

By Mr. M'Millan—4. A bill to amend an act entitled an act reserving certain property from execution, approved February 4, 1815.

And by Mr. Butler—5. A bill supplemental to an act entitled an act for the benefit of the Grand Lodge of Kentucky.

Which bills were severally received and read the first time, and the first, third, fourth and fifth ordered to be read a second time.

And the question being taken on reading the second bill a second time, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required on reading the fourth bill a second time, by messrs. Cravens and Howard, were as follows, to wit:

Yeas—Mr. Speaker, messrs. Anderson, Barnett, Blakey, Bray, Brents, Butler, Calhoun, Cassidy, Chisholm, S. D. Clark, Cockerill, Cravens, Crow, Farrow, Ferguson, Fletcher, French, Garrard, Gerard, Green, Grundy, Hickman, Hughes, Lancaster, Lynch, Mercer, Miller, T. P. Moore, Mosley, Mullens, M'Elroy, M'Kee, M'Millan, Noland, Parker, J. Patterson, Patton, Piercy, Rife, Ruffin, Selby, Slaughter, Spillman, Stone, Taylor, Todd, Warfield, Wickliffe and Wilcoxson—50.

Nays—Messrs. Bedinger, Cooper, Cotton, Craig, Cunningham, Emerson, Geohegan, Gordon, Hall, Howard, Lacey, Lyne, Munford, Murray, Philips, O. C. Porter, Prewitt, Roberts, Scott, Shacklett, Sharp, Stevenson, Townsend, Wakefield, Williams and Woods—26.

Mr. Wickliffe from the committee to whom was referred an engrossed bill entitled an act authorising the county courts to purchase lands and erect buildings for the accommodation of the poor, reported the same with an amendment,

Which being twice read was concurred in.

Ordered, That the said bill be re-engrossed and read again a third time on Monday next.

Mr. Brents from the select committee to whom was referred a bill to amend an act reducing into one the several acts for apprehending and securing runaways, reported the same with amendments.

And then the house adjourned.

MONDAY, OCTOBER 30, 1820.

Mr. Warfield presented the petition of James Brown of Bourbon county, praying that a law may pass authorising him to sell a negro slave, deeded to him in trust by William Philips for the benefit of his wife and children, for money advanced by him for their benefit.

Which was received, read and referred to the committee for courts of justice.

Ordered, That the petition of sundry citizens of Cumberland, Barren, Green and Adair, praying for the establishment of a new county out of a part of each of said counties, be referred to the committee of propositions and grievances.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. McKee from the committee for courts of justice—1. A bill for the relief of the heirs at law of John Walker, deceased.

By Mr. Garrard from the committee of religion—2. A bill for the divorce of sundry persons.

By Mr. Harris—3. A bill for the benefit of the widow and heirs of John Spurlock, deceased.

By Mr. Caldwell—4. A bill for the benefit of the heirs of Peter Grow.

By Mr. Selby—5. A bill authorising the appointment of viewers to view a way for a road from Danville to the Tennessee state line.

By Mr. Wickliffe—6. A bill to amend the law regulating the action of detinue.

Which bills were severally received and read the first time, and ordered to be read a second time.

Mr. Fletcher moved the following resolutions, viz.

1. *Resolved*, That a committee be appointed to enquire into the expediency of authorising a further issue of bank paper by the Bank of Kentucky for the use of the citizens of this commonwealth, not exceeding the sum of ———— dollars.

2. *Resolved*, That the committee aforesaid have leave to report by bill or otherwise.

Which being twice read, was disagreed to.

Mr. Williams presented the remonstrance of sundry citizens of Cumberland county, against the passage of a law for the formation of a new county out of parts of the counties of Cumberland, Barren, Green and Adair.

Which was received, read and referred to the committee of propositions and grievances.

Mr. Warfield from the select committee to whom was referred a bill to appoint an additional number of justices of the peace in and for the county of Simpson, reported the same with an amendment, which being twice read was disagreed to. The said bill being amended at the clerk's table, was with amendments, ordered to be engrossed and read a third time to-morrow.

On the motion of Mr. T. P. Moore,

Ordered, That leave be given to bring in a bill to authorise the insertion of certain advertisements in the Olive Branch, a newspaper printed in Mercer county; and that messrs. T. P. Moore, M'Affee, Gerard and Woods, be appointed a committee to prepare and bring in the same.

A message from the senate by Mr. Crutcher :

Mr. Speaker,

The senate have passed a bill which originated in this house entitled an act directing the clerk of the Hardin circuit court to perform certain duties, with amendments, in which they request the concurrence of this house.

And then he withdrew.

A message from the senate by Mr. Slaughter :

Mr. Speaker,

The senate have passed a bill which originated in this house entitled an act to appoint trustees for the town of Franklin in the county of Simpson, with amendments, in which they request the concurrence of this house.

And then he withdrew.

The house took up the amendments proposed by the senate to bills from this house of the following titles :—An act to appoint trustees for the town of Franklin in the county of Simpson; an act for the benefit of Ignatius Turley; an act directing the clerk of the Hardin circuit court to perform certain duties; an act for the relief of Spencer Fletcher's heirs; and an act for the benefit of John Francis and Richard Slavey and Joseph Barnet and his associates.

Which being twice read were concurred in.

Ordered, That the clerk inform the senate thereof.

A bill to class tobacco, reported on the 27th instant, was read the first time, and ordered to be read a second time.

The amendments reported by the select committee on the 28th instant, to a bill to amend an act reducing into one the several acts for apprehending and securing runaways, were twice read, and concurred in.

Ordered, That the said bill as amended, be engrossed and read a third time to-morrow.

Engrossed bills of the following titles:—1. An act to repeal an act entitled an act to amend the penal laws, approved February 11, 1820; 2. An act to establish a public library at the seat of government; 3. An act to provide for the protection of public buildings; 4. An act providing for the repairing and furnishing the government house; 5. An act to establish an election precinct in Madison county; 6. An act for the formation of the county of Perry out of parts of the counties of Clay and Floyd; and 7. An act authorising the county courts to purchase lands and erect buildings for the accommodation of the poor.

Were severally read a third time; the first committed to a committee of the whole house for this day; and the blank in the seventh filled, and an engrossed clause added thereto by way of rider.

Resolved, That the second, third, fourth, fifth, sixth and seventh bills do pass; that the titles of the 2d, 3d, 6th and 7th, be as aforesaid; that, that of the fourth be amended by adding thereto the words "and for other purposes;" and that of the fifth be amended to read, an act to erect election precincts in certain counties in this commonwealth.

The yeas and nays being required on the passage of the seventh bill, by messrs. Lyne and Garrard, were as follows, viz.

Yeas—Messrs. Barnett, Bedinger, Bray, Brents, Caldwell, Cassidy, J. Clark, S. D. Clark, Cooper, Cotton, Cunningham, Ferguson, Fletcher, Garrard, Gerard, Green, Grundy, Harris, Hickman, Howard, Hughes, Hunter, King, Lacey, Lancaster, Love, Miller, Mosley, Mullens, Murray, M'Elroy, Payne, Piercy, Philips, Prewitt, Rife, Rudd, Sandford, Scott, Selby, Shacklett, Spillman, Stevenson, Stone, Todd, Townsend, Watkins, Wickliffe and Winlock—49.

Nays—Mr. Speaker, messrs. Anderson, Berry, Blakey, Butler, Calhoun, Cockerill, Craig, Cravens, Crow, Farrow, French, Gaines, Geohegan, Gordon, Hall, Lynch, Lyne, Mercer, H. W. Moore, T. P. Moore, Munford, M'Millan, Noland, O'Bannon, Parker, J. Patterson, W. Patterson, N. P. Porter, Roberts, Sharp, Slaughter, Taylor, Wakefield, Warfield, Williams and Woods—37.

Ordered, That the clerk carry the said bills to the senate and request their concurrence.

And then the house adjourned.

TUESDAY, OCTOBER 31, 1820.

Mr. Stevenson presented the petition of Jane Trabue, administratrix of Edward Trabue, deceased, praying that a law may pass to authorise her to make sale of a tract of land of which said decedant died possessed, and to vest the proceeds in lands in Missouri, or elsewhere, for the benefit of the heirs of said decedant.

Which was received, read and referred to the committee for courts of justice.

Mr. Stevenson moved for leave to bring in a bill for the divorce of Charlotte Harrison; and the question being taken on granting leave to bring in said bill, it was decided in the negative, and so the said motion was disagreed to.

On the motion of Mr. Prewitt,

Ordered, That leave be given to bring in a bill to amend an act entitled an act to provide for the sale of a part of the public ground in Georgetown, passed February 14th, 1820; and that messrs. Prewitt, J. Patterson, M'Millan and Hickman, be appointed a committee to prepare and bring in the same.

Mr. M'Affee moved for leave to bring in a bill to authorise the Bank of Kentucky to make additional loans for longer periods than heretofore upon the faith of the state, and to provide a fund for the redemption of all new issues of notes loaned as aforesaid.

And the question being taken on granting leave to bring in said bill, it was decided in the negative, and so the said motion was rejected.

The yeas and nays being required thereon by messrs. Caldwell and M'Affee, were as follows, to wit:

Yeas—Mr. Speaker, messrs. Barnett, Boyd, Bray, Butler, Caldwell, Calhoun, J. Clark, Cotton, Ferguson, Fletcher, French, Garrard, Gerard, Green, Grundy, Henderson, Hickman, Howard, Hughes, Hunter, Lancaster, Love, Lyne, Miller, H. W. Moore, T. P. Moore, Murray, M'Affee, M'Elroy, M'Kee, M'Millan, Parker, Patton, Payne, Piercy, Phillips, Sandford, Scott, Selby, Spillman, Stevenson, Stone, Todd, Townsend, Wakefield, Wickliffe and Woods—48.

Nays—Messrs. Allen, Anderson, Bedinger, Berry, Blakey, Brents, Cassidy, Chisholm, S. D. Clark, Cockerill, Cooper, Craig, Cravens, Crow, Cunningham, Emerson, Farrow,

Gaines, Geohegan, Gordon, Hall, Harris, King, Lacey, Lee, Lynch, Mercer, Mosley, Mullens, Munford, Noland, J. Patterson, W. Patterson, N. P. Porter, O. C. Porter, Prewitt, Rife, Roberts, Rudd, Ruffin, Shacklett, Sharp, Slaughter, Taylor, Warfield, Watkins, Wilcoxson, Williams and Winlock—49.

Mr. Lancaster from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles :

An act for the benefit of Ignatius Turley and Thomas Cooper ; an act to change the place of holding the election in the precinct of Hopkins county ; an act to legalize the acts of the trustees of the town of Lawrenceburg ; an act to change the time of holding the July term of the Bracken circuit court ; an act for the relief of the heirs of Spencer Fletcher and Stephen Ferguson ; an act for the benefit of the heirs of Henry Rohrer ; and an act for the benefit of John Francis and Richard Slavey, Joseph Barnett and his associates, and Marcus Huling & Co.

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

Ordered, That Mr. Lancaster inform the senate thereof.

Mr. Townsend from the committee appointed for that purpose, reported a bill for the benefit of Samuel Teer.

Which was received and read the first time, and ordered to be read a second time.

The house then according to the standing order of the day, resolved itself into a committee of the whole, Mr. Garrard in the chair, and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Garrard reported that the committee had according to order had under consideration the report of the committee of privileges and elections, declaring James Patton, returned to serve in this house from Harrison county, ineligible to a seat, and had gone through the same without amendment.

The question was then put upon concurring in the first resolution adopted by said committee, which was decided in the affirmative.

The yeas and nays being required thereon by messrs. Lancaster and Cockerill, were as follows, viz.

Yeas—Messrs. Anderson, Barnett, Bedinger, Blakey, Boyd, Bray, Caldwell, S. D. Clark, Cockerill, Cooper, Cotton, Crow, Cunningham, Emerson, Farrow, Ferguson, French, Gaines, Garrard, Gerard, Geohegan, Gordon, Green, Grundy, Hall, Henderson, Hickman, Howard, Hunter, King,

Lacey, Lancaster, Lee, Lynch, Lync, Miller, Mosley, Munford, Murray, M'Elroy, M'Millan, Noland, Parker, J. Paterson, Payne, Piercy, Philips, O. C. Porter, Rife, Roberts, Ruffin, Sandford, Scott, Selby, Shacklett, Sharp, Spillman, Stevenson, Stone, Taylor, Todd, Townsend, Wakefield, Wickliffe, Williams, Winlock and Woods—64.

Nays—Mr. Speaker, messrs. Allen, Brents, Butler, Cassidy, Cravens, Fletcher, Harris, Hughes, H. W. Moore, Mullens, M'Affee, M'Kee, Prewitt and Slaughter—15.

The blank in the second resolution was then filled with "*Monday the 13th day of November,*" and said resolution was concurred in.

And then the house adjourned.

WEDNESDAY, NOVEMBER 1, 1820.

Mr. O'Bannon presented the petition of James Wand, praying that a law may pass to authorise him to dispose of his property by way of lottery to enable him to pay his debts.

Mr. Lynch presented the petition of sundry citizens of Allen county, praying that a law may pass to add a part of said county to the county of Simpson.

And Mr. Cockerill presented a petition counter thereto.

Which petitions were severally received and read ; the second and third were referred to the committee of propositions and grievances ; and the question being taken on referring the first petition to a select committee, it was decided in the negative, and so the said petition was rejected.

A message from the senate by Mr. Roper :

Mr. Speaker,

The senate have passed a bill entitled an act to repeal in part an act concerning county levies and certain officers' fees, passed February 8th, 1815 ; in which bill they request the concurrence of this house.

And then he withdrew.

Mr. M'Millan from the committee of propositions and grievances, to which was referred the petition of sundry citizens of Green, Barren, Adair and Cumberland counties, praying for the formation of a new county out of a part of each of said counties, made a report.

Ordered, That the said report be recommitted to the committee of propositions and grievances.

A message from the governor by Mr. Breckinridge, his secretary :

Mr. Speaker,

I am directed to inform this house that the governor did on yesterday approve and sign enrolled bills which originated in this house of the following titles :

An act for the benefit of John Francis and Richard Slavey, and Joseph Barnett and his associates, and Marcus Huling and company.

An act to legalize the acts of the trustees of the town of Lawrenceburg.

An act for the benefit of Ignatius Turley and Thomas Cooper.

An act to change the place of holding the election in the precinct of Hopkins county.

An act for the benefit of the heirs of Henry Rohrer.

An act for the relief of the heirs of Spencer Fletcher and Stephen Ferguson.

An act to change the time of holding the July term of the Bracken circuit court.

And then he withdrew.

Ordered, That Mr. Lancaster inform the senate thereof.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. T. P. Moore—1. A bill to erect election precincts in the county of Mercer.

By Mr. Gerard—2. A bill to provide for the safe-keeping of the public arms and offices for the quarter-master and adjutant generals.

By Mr. Prewitt—3. A bill to amend an act entitled an act to provide for the sale of a part of the public ground in George town.

By Mr. J. Patterson—4. A bill to amend the law concerning ejectments.

Which bills were severally received and read the first time and ordered to be read a second time.

On the motion of Mr. Butler,

Ordered, That leave be given to bring in a bill to provide for digesting the laws of this commonwealth; and that messrs. Butler, M'Kee, Brents, Henderson, Green and Calhoun, be appointed a committee to prepare and bring in the same.

Mr. T. P. Moore moved for leave to bring in a bill to endow the Centre College of Kentucky, and for other purposes.

And the question being taken on granting leave to bring in said bill, it was decided in the negative, and so the said motion was rejected.

The yeas and nays being required thereon by messrs. Allen and Roberts, were as follows, to wit :

Yeas—Mr. Speaker, messrs. Barnett, Bodinger, Bray, Brenis, Bullitt, Butler, Caldwell, Calhoun, J. Clark, Ferguson, Fletcher, Garrard, Gerard, Green, Grundy, Hall, Hickman, Howard, Hughes, Hunter, King, Love, Lync, Miller, T. P. Moore, M'Acce, M'Kee, M'Millan, O'Bannon, Parker, J. Patterson, W. Patterson, Phillips, Rife, Radd, Sandford, Selby, Slaughter, Spillman, Stevenson, Todd, Townsend, Warfield, Wickliffe, Williams and Woods—47.

Nays—Messrs. Allen, Anderson, Berry, Blakey, Boyd, Cassidy, Chisholm, S. D. Clark, Cockerill, Cooper, Cotton, Craig, Cravens, Crow, Cunningham, Emerson, Farnow, French, Gaines, Geobegan, Gordon, Harris, Henderson, Lacey, Lancaster, Lee, Lynch, H. W. Moore, Mosley, Mullens, Munford, Murray, M'Elroy, Notland, Payne, Percy, N. P. Porter, O. C. Porter, Prewitt, Roberts, Ruffin, Scott, Shacklett, Sharp, Stone, Taylor, Wakefield, Wilcoxson and Winlock—49.

A message from the senate by mr. Owens :

Mr. Speaker,

The senate have passed a bill entitled an act regulating the mode of admitting to the bar attorneys at law of adjoining states ; in which bill they request the concurrence of this house.

And then he withdrew.

A message from the senate by Mr. Lee, their secretary :

Mr. Speaker,

The senate have passed a bill which originated in this house entitled an act for the formation of the county of Perry out of parts of the counties of Clay and Floyd. And they have passed bills of the following titles :—An act regulating the manner of taxing attorneys' fees ; and an act to amend an act entitled an act authorising certain justices of the county courts to grant injunctions, writs of ne exeat and habeas corpus, approved February 4, 1818 ; in which bills they request the concurrence of this house.

And then he withdrew.

A bill to establish the bank of the commonwealth of Kentucky, was read a second time, and committed to a committee of the whole house on this day.

The house then according to the standing order of the day, resolved itself into a committee of the whole house on said bill, mr. M'Millan in the chair ; and after some time spent therein, the Speaker resumed the chair, and mr. M'Millan

reported that the committee had according to order, had under consideration a bill to establish the bank of the commonwealth of Kentucky, and had made some progress therein, but not having time to go through the same, had instructed him to ask for leave to sit again.

Which being granted :
The house then adjourned.

THURSDAY, NOVEMBER 2, 1820.

Mr. Wakefield presented the petition of Newell Beauchamp and Joseph M'Closky, praying that a law may pass to allow them further time to build a slope to their mill-dam, on Chapline's fork of Salt river in Nelson county.

And Mr. Rudd presented the petition of sundry citizens of Augusta and Bracken county, praying that a law may pass to authorise the county court of Bracken to cause the road established by the Mason county court through the lots of said town to be opened.

Which petitions were severally received, read and referred ; the first to a select committee of messrs. Wakefield, Lancaster, Wickliffe, M'Elroy and Geohegan ; and the second to the committee of propositions and grievances.

The house took up a resolution from the senate appointing a joint committee to confer with the proprietors of the Fayette Hospital, and for other purposes ; which was twice read and concurred in as follows, viz.

IN SENATE, October 25, 1820.

Resolved by the General Assembly of the Commonwealth of Kentucky, That a joint committee be appointed to consist of three from the senate and six from the house of representatives, to confer with the proprietors of the Fayette Hospital, and ascertain the terms upon which its real estate may be purchased for the use of the commonwealth, and report their opinion thereon, together with the policy of converting the said hospital into a state institution.

Whereupon, messrs. Ferguson, Slaughter, Lyne, T. P. Moore, Calhoun and Howard, were appointed a committee on the part of this house.

Ordered, That the clerk inform the senate thereof.

Mr. Wickliffe read and laid on the table the following resolution, viz.

Resolved by the Senate and House of Representatives of the commonwealth of Kentucky, That the secretary of state be authorised to purchase for the use of his office, such of the

journals of the different sessions of the legislature of this state as he may think necessary to complete a full set.

Mr. Garrard read and laid on the table the following resolution, viz.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the President of the Bank of Kentucky be requested to report specially the debts of each member of the general assembly and officers of the bank, and the amount of their endorsements on notes or bills of exchange, or notes or bills of exchange under protestation above the sum of one thousand dollars ; and also, the stock owned by each ; also, the probable amount of bad debts, and the surplus fund on hand.

Mr. Lancaster from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles :

An act for the formation of the county of Perry out of parts of the counties of Clay and Floyd ; an act to appoint trustees for the town of Franklin in the county of Simpson ; and an act directing the clerk of the Hardin circuit court to perform certain duties.

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

Ordered, That Mr. Lancaster inform the senate thereof.

Leave was given to bring in the following bills :

On the motion of Mr. Harris—1. A bill for the benefit of Polly Hicks.

And on the motion of Mr. Todd—2. A bill to erect a bridge across the Kentucky river at the mouth of Benson.

Messrs. Harris, Woods, Lee and Love, were appointed a committee to prepare and bring in the first ; and messrs. Todd, Henderson, M'Afee, Allen, Boyd, Bray, Spillman and Ferguson, the second.

Engrossed bills of the following titles :—1. An act to appoint an additional number of justices of the peace in and for the county of Simpson ; and 2. An act to amend an act reducing into one the several acts for apprehending and securing runaways,

Were severally read a third time.

Resolved, That the first bill do pass ; and that the title thereof be amended to read, an act to appoint an additional number of justices of the peace in certain counties of this commonwealth.

Ordered, That the clerk carry the said bill to the senate and request their concurrence.

Ordered. That the second bill be committed to a select committee of messrs. Cockeill, Ferguson, Bulitt, Rodd and Lync.

The following bills were severally read a second time, viz. 1. A bill more effectually to restrain the licentiousness of slaves in this commonwealth; and 2. A bill for the benefit of mechanics.

The first was laid on the table until the first day of June next; and the second was committed to a select committee of messrs. Ferguson, O'Bannon, Warfield, Henderson and Murray.

The house then according to the standing order of the day, resolved itself into a committee of the whole house, Mr. M'Millan in the chair; which being resumed by Mr. Speaker, Mr. M'Millan reported that the committee had according to order had under consideration a bill to establish the bank of the commonwealth of Kentucky, and had made some progress therein, but not having time to go through the same, had instructed him to ask for leave to sit again.

Which being granted:

The house then adjourned.

FRIDAY, NOVEMBER 2, 1820.

Mr. Garrard presented the petition of sundry citizens of Bourbon, Clark and Montgomery counties, praying for the formation of a new county out of a part of each of said counties.

Mr. Love presented the remonstrance of sundry citizens of Clay county against the passage of a law to add a part of said county to the county of Estill.

Mr. Butler presented the petition of London Ferrill and Rhoda his wife, (free persons of color,) praying to be exonerated from the penalties of an act to prevent the migration of free negroes and mulattoes to this state.

And Mr. Sharp presented the petition of sundry citizens of Whitley county, praying that a law may pass making a donation of 100 acres of the vacant land of the commonwealth to James Freeman, sen. an old revolutionary soldier.

Which petitions were severally received and read; the first was rejected upon a motion to refer to the proper committee; the second was laid on the table; the third was committed to a select committee of messrs. Butler, Ferguson, Shannon, Farrow and Miller, giving said committee leave to

report by bill or otherwise : and the fourth was referred to the committee for courts of justice.

Mr. Lancaster from the joint committee of enrolments, reported that the committee had examined enrolled bills and a resolution of the following titles :—An act to regulate the payment of the debt due the commonwealth for the sale of vacant lands ; an act for the benefit of Elizabeth Alexander and her heirs ; an act further to indulge the settlers on the lands acquired by the treaty of Tellico ; an act to amend an act entitled an act to amend an act to open a road from Mount Sterling to the Virginia line by way of Prestonsburg, and for other purposes, approved February 4, 1820 ; and a resolution for appointing a joint committee to confer with the proprietors of the Fayette Hospital, and for other purposes.

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

Ordered, That Mr. Lancaster inform the senate thereof.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. Woods—1. A bill for the benefit of the heirs of Elijah Broadus, deceased.

And by Mr. Philips—2. A bill authorising the county court of Mason to appoint an additional constable in the town of Maysville.

Which bills were severally received and read the first time and ordered to be read a second time.

The house took up a resolution laid on the table by Mr. Wickliffe, to provide for the purchase of a complete set of the journals of the legislature,

Which being twice read, was concurred in.

Ordered, That Mr. Wickliffe carry the said resolution to the senate and request their concurrence.

The house took up a bill to amend and extend the charter of the Bank of Kentucky ; which being read a second time, was committed to a select committee of messrs. Wickliffe, M'Kee, Warfield, M'Affee, Green, Henderson and Ferguson.

A message from the senate by Mr. Lee, their secretary :
Mr. Speaker,

The senate have appointed a committee to co-operate with a committee on the part of this house upon the subject of a joint resolution in relation to the Fayette Hospital. And they have passed bills from this house of the following titles : An act providing for the repairing and furnishing the government house, and for other purposes ; and an act to erect

election precincts in certain counties in this commonwealth, with amendmens to the latter, in which they request the concurrence of this house.

And then he withdrew.

A message from the senate by Mr. Owens :

Mr. Speaker,

The senate have passed a bill entitled an act for the benefit of Ann Edins and Mary Folden ; in which bill they request the concurrence of this house.

And then he withdrew.

A message from the senate by Mr. Turner :

Mr. Speaker,

The senate have passed a bill entitled an act for the benefit of James Hays, sen. and Thomas Hendricks, sen. ; in which bill they request the concurrence of this house.

And then he withdrew.

A message from the senate by Mr. Williams :

Mr. Speaker,

The senate have passed a bill entitled an act to alter and extend the term of the Montgomery circuit court, and to alter the time of holding the Bath circuit court ; in which bill they request the concurrence of this house.

And then he withdrew.

A message from the senate by Mr. Lee, their secretary :

Mr. Speaker,

The senate have passed a bill from this house entitled an act to establish a public library at the seat of government.— And they have passed bills of the following titles : An act for the benefit of the heirs of Robert Coleman and Moses Sharpe, deceased ; an act for the benefit of Jincy Dodds ; an act declaring Tradewater a navigable stream ; an act for the benefit of Eli Marvell ; and an act for the establishment of a road from Frankfort to the Ohio river, opposite the town of Neville ; in which bills they request the concurrence of this house.

And then he withdrew.

A message from the senate by Mr. M'Lean :

Mr. Speaker,

The senate have passed a bill entitled an act concerning the duties of the register of the land office ; in which bill they request the concurrence of this house.

And then he withdrew.

A message from the governor by Mr. Breckinridge, his secretary :

Mr. Speaker,

The governor did on yesterday approve and sign enrolled bills which originated in this house of the following titles :

An act for the formation of the county of Perry out of parts of the counties of Clay and Floyd.

An act directing the clerk of the Hardin circuit court to perform certain duties.

An act to appoint trustees for the town of Franklin in the county of Simpson.

And then he withdrew.

Ordered, That Mr. Lancaster inform the senate thereof.

The house then according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. M'Millan in the chair ; and after some time spent therein, the Speaker, resumed the chair, and Mr. M'Millan reported, that the committee had according to order, had under consideration a bill to establish the bank of the commonwealth of Kentucky, and had gone through the same, and made sundry amendments thereto, which he handed in at the clerk's table. The 1st, 2d, 3d, 4th and 5th amendments being concurred in, the 13th section of said bill was then read as follows, viz.

That it shall be the duty of the president of the said bank, to cause an accurate and detailed report of their proceedings and situation to be made to each session of the general assembly, and during the first week thereof : *Provided, however, that in such reports the private accounts of individuals need not be presented.*

The amendment proposed by the committee to said section, was then read as follows, viz.

Strike out the proviso printed in italics, and insert, " setting forth in said report the names of the persons borrowing money, the amount so borrowed, and the manner in which the same is secured."

Mr. M'Affee then moved to amend the said amendment by attaching thereto the following words : "*Provided the same shall be required by the legislature.*"

And the question being taken on agreeing to the amendment to the amendment, it was decided in the negative.

The yeas and nays being required thereon by messrs. Lancaster and Shacklett, were as follows, viz.

Yeas—Mr. Speaker, messrs. Calhoun, J. Clark, Fletcher, Gerard, Gordon, Lynch, H. W. Moore, T. P. Moore, M'Affee, O'Bannon, Parker, O. C. Porter, Rife, Rudd, Selby, Slaughter, Warfield and Watkins—19.

Nays—Messrs. Allen, Anderson, Barnett, Belfinger, Berry, Blakey, Boyd, Bray, Brents, Bullitt, Butler, Caldwell, Cassidy, Chisholm, S. B. Clark, Cockcrill, Cooper, Cotton, Craig, Cravens, Crow, Cunningham, Emerson, Farrow, Ferguson, French, Gaines, Garrard, Geohagan, Green, Grumdy, Hall, Harris, Henderson, Howard, Hunter, King, Lacey, Lancaster, Lee, Love, Lyne, Miller, Mosley, Mollins, Mumford, Murray, M'Elroy, M'Kee, M'Millan, Noland, J. Patterson, W. Patterson, Payne, Piery, Phillips, N. P. Porter, Prewitt, Roberts, Radka, Sandford, Scott, Shacklett, Shannon, Sharp, Spillman, Stevenson, Stone, Taylor, Todd, Townsend, Wakefield, Wickliffe and Woods—74.

The 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th and 15th amendments proposed by the committee to said bill, were then concurred in with amendments to the 10th amendment.

The reading of the eighth section of said bill, was called for, and the same was read as follows, viz.

§ 8. That the said bank shall receive money on deposit, and pay away the same to order, free of expense, discount bills of exchange, current money, and notes with two or more good securities, who shall be jointly and severally bound, at a rate of interest not exceeding one per cent. for sixty days; and shall have power to make loans to citizens of the state in the nature of discounts on *real estate*, secured by mortgage, with power to make sale of said estate, in default of payment: Provided, that the sum so loaned, shall never exceed one half of the real unincumbered value of the property so mortgaged: Provided further, that the loans shall never be for a longer period than one year, nor draw a greater interest than at the rate of six per centum per annum, which shall always be payable in advance: And provided further, that no loan shall in any case be renewed, unless the interest for such renewal, shall be paid in advance: And provided further, that the directors for the time being, shall not call in more than one tenth of each loan, at the time the same shall become due, without giving sixty days' notice thereof: and all and every person or persons, failing to make payment, shall be deprived in future of credit in said bank, and shall be liable to suit immediately, for the amount due.

Mr. M'Millan then moved to amend said section by inserting after the words *real estate*, in the 7th line thereof, the following words, "or personal property where the applicant has not a sufficiency of real estate."

And the question being taken on adopting said amendment, it was decided in the negative.

The yeas and nays being required thereon by messrs. M'Millan and Spillman, were as follows; viz.

Yeas—Messrs. Barnett, Bray, Butler, Caldwell, J. Clark, Ferguson, French, Green, Grundy, Howard, Hunter, Lancaster, Love, Lyne, Miller, M'Kee, M'Millan, Noland, Parker, Payne, Philips, Sandford, Spillman, Stevenson, Stone, Todd, Townsend, Wakefield, Warfield, Wickliffe and Woods—31.

Nays—Mr. Speaker, messrs. Allen, Anderson, Bedinger, Berry, Blakey, Boyd, Brents, Calhoun, Cassidy, Chisholm, S. D. Clark, Cockerill, Cooper, Cotton, Craig, Cravens, Cunningham, Emerson, Farrow, Fletcher, Gaines, Garrard, Gerard, Geohegan, Gordon, Hall, Harris, Henderson, King, Lacey, Lee, Lynch, H. W. Moore, T. P. Moore, Mosley, Mullens, Munford, Murray, M'Affee, M'Elroy, J. Patterson, W. Patterson, Piercy, N. P. Porter, O. C. Porter, Prewitt, Rife, Roberts, Rudd, Ruffin, Scott, Selby, Shacklett, Shannon, Sharp, Slaughter, Taylor, Watkins, Williams and Winlock—61.

Mr. Prewitt then moved to attach to said bill the following as an additional section, viz.

§ 34. It shall be the duty of the president of the mother bank and each branch thereof, to give public notice of at least thirty days, to the citizens of the district in which said mother bank and branches shall be located, stating in said notice the amount of money ready for distribution, and the day on which said distribution will be made. And should there be application made for a greater amount than the sum ready for distribution, no one citizen shall have a preference over another; but an equal distribution shall take place in proportion to the several amounts asked for, provided the security offered, shall be amply sufficient for the security of the amount of money asked for.

And the question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon by messrs. Miller and Green, were as follows, viz.

Yeas—Messrs. Barnett, Bedinger, Berry, Boyd, Bray, Butler, Caldwell, S. D. Clark, Ferguson, French, Garrard, Gerard, Green, Grundy, Harris, Howard, Hunter, Lacey, Lancaster, Love, Lyne, Miller, Murray, M'Elroy, M'Kee, M'Millan, Noland, Parker, J. Patterson, Payne, Piercy, Philips, Prewitt, Roberts, Sandford, Scott, Shannon, Spill-

man, Stevenson, Stone, Todd, Townsend, Wakefield, Warfield, Wickliffe and Woods—46.

Nays—Mr. Speaker, messrs. Allen, Anderson, Blakey, Brents, Bullitt, Calhoun, Cassidy, Chisholm, Cockerill, Cooper, Cotton, Craig, Cravens, Crow, Cunningham, Emerson, Fletcher, Gaines, Geohegan, Gordon, Hall, Henderson, King, Lee, Lynch, H. W. Moore, T. P. Moore, Mosley, Mullens, Munford, M'Affee, W. Patterson, N. P. Porter, O. C. Porter, Rife, Rudd, Ruffin, Selby, Shacklett, Sharp, Slaughter, Taylor, Watkins, Williams and Winlock—46.

The votes being equal, the amendment (according to a rule of the house) was declared to be negatived.

The said bill being further amended :

The house then adjourned.

SATURDAY, NOVEMBER 4, 1820.

The Speaker laid before the house a letter from the adjutant and quarter-master generals, which was received and read as follows, viz.

FRANKFORT, November 3d, 1820.

SIR,

We are informed that a bill has been introduced in the house over which you preside, providing among other things, for the safekeeping of the public arms, and offices of the adjutant and quarter-master generals.

Aware that this subject is too likely to be viewed by some as local, and that the public interest does not require such provision to be made, we deem it our duty respectfully to solicit your honorable body to appoint a committee, who in conjunction with one from the other branch of the general assembly, may make the necessary inquiries and examination into the subject, and report the state of facts in relation to it ; upon which your honorable body will be better enabled to judge of the expediency of adopting the measure proposed by the bill.

O. G. WAGGENER, *Adj't. Genl.*

RICH'D. BLANTON, *Q. M. Genl.*

The Honorable Geo. C. Thompson.

Speaker of the House of Representatives.

Mr. Anderson presented the petition of sundry citizens of Logan county, praying that a law may pass to add a part of said county to the county of Todd.

Mr. Watkins presented the petition of sundry citizens of Mullenburg county, praying that a law may pass to appoint trustees to the town of Louisburg in said county.

And Mr. Berry presented the petition of John Terry, praying for a divorce from his wife.

Which petitions were severally received, read and referred; the first and second to the committee of propositions and grievances; and the third to the committee of religion.

Ordered, That Mr. Wilcoxson have leave of absence from the service of this house until Monday next; and Mr. Roberts until Friday next.

Mr. Garrard from the committee of religion, made a report, which was twice read and concurred in as follows, viz.

The committee of religion, have according to order had under their consideration the petition of Henry Smock, representing that his wife has been guilty of adultery, and has abandoned him, praying for a divorce, and have come to the following resolution thereupon, to wit:

Resolved, That the said petition, is reasonable.

Ordered, That the said committee prepare and bring in a bill pursuant to said resolution.

A message from the senate by Mr. Owens:

Mr. Speaker,

The senate have passed a bill entitled an act authorising a change of venue in the case of William Chamberlain; and a bill entitled an act for the benefit of Catharine Wilkin-son; in which bills they request the concurrence of this house.

And then he withdrew.

On the motion of Mr. Cravens,

Ordered, That leave be given to bring in a bill to provide for, and regulate the collection of officers' fees in this commonwealth; and that messrs. Cravens, Wickliffe, French, Green, Murray, Allen, Berry, Gerard and Woods, be appointed a committee to prepare and bring in the same.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. M'Kee from the committee for courts of justice, as unfinished business of the last session—1. A bill to add a part of the county of Casey to the county of Mercer.

And by Mr. Wickliffe—2. A bill for the benefit of Newell Beauchamp and Joseph M'Closky.

Which bills were severally received and read the first time, and ordered to be read a second time.

And the rule of the house, constitutional provision, and second reading of the second bill being dispensed with, and the same being amended, was ordered to be engrossed and read a third time on Monday next.

Mr. N. P. Porter moved for leave to bring in a bill providing for the payment of debts by instalments.

And the question being taken on granting leave to bring in said bill, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. J. Clark and Cassidy, were as follows, to wit :

Yeas—Mr. Speaker, messrs. Allen, Anderson, Barnett, Bedinger, Blakey, Boyd, Bray, Brents, Bullitt, Cassidy, J. Clark, Cockerill, Cooper, Craig, Cravens, Cunningham, Emerson, Farrow, Fletcher, French, Gaines, Garrard, Gerard, Gordon, Hall, Harris, Henderson, Hunter, King, Lancaster, Lee, Lynch, Lyne, T. P. Moore, Mosley, Mullens, Munford, Murray, M'Affee, M'Kee, M'Millan, Noland, Parker, W. Patterson, Piercy, N. P. Porter, O. C. Porter, Rudd, Ruffin, Sandford, Scott, Selby, Shacklett, Shannon, Sharp, Slaughter, Spillman, Stevenson, Taylor, Todd, Townsend, Warfield, Wickliffe and Williams—65.

Nays—Messrs. Berry, Butler, Caldwell, Calhoun, S. D. Clark, Cotton, Crow, Ferguson, Geohegan, Green, Grundy, Howard, Lacey, Love, Miller, M'Elroy, J. Patterson, Payne, Philips, Rife, Stone, Watkins and Woods—23.

Whereupon, messrs. Porter, M'Millan, Henderson, M'Kee, Brents, French and Fletcher, were appointed a committee to prepare and bring in said bill.

And then the house adjourned.

MONDAY, NOVEMBER 6, 1820.

Mr. Cockerill presented the remonstrance of sundry citizens of Allen county, against the passage of any law to divide said county for the formation of a new county.

Mr. Butler presented the petition of Sandford Keene, praying that a law may pass to discharge him from the payment of the tax due the commonwealth for the year 1819, on two billiard tables listed by him for taxation, and consumed by fire, together with his house.

Which petitions were severally received, read and referred ; the first to the committee of propositions and grievances ; and the second to a select committee of messrs. Butler, Todd, T. P. Moore, Garrard and Fletcher, giving said committee leave to report thereon by bill or otherwise.

On motion,

Ordered, That messrs. Wickliffe and Allen, be added to the committee appointed to prepare and bring in a bill providing for the payment of debts by instalments.

Leave was given to bring in the following bills :

On the motion of Mr. Craig—1. A bill to alter the line between Harlan and Knox from the mouth of Straight creek to the Clay county line.

On the motion of Mr. Noland—2. A bill declaring the north fork of the Kentucky river navigable as high as the mouth of the Line fork.

And on the motion of Mr. Love—3. A bill for the benefit of Mary Webb and Andrew Lore.

Messrs. Craig, Woods, Green, Cooper and Love, were appointed a committee to prepare and bring in the first; messrs. Noland, M'Kee, Lee and Mullens, the second; and messrs. Love, Barnett, Spillman, Harris and Craig, the third.

A message from the senate by Mr. M'Lean :

Mr. Speaker,

The senate have passed a bill entitled an act for the benefit of Philemon Waters; in which bill they request the concurrence of this house.

And then he withdrew.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. M'Kee from the committee for courts of justice—1. A bill for the relief of Taylor Noel.

And by Mr. Sandford—2. A bill to change the place of holding elections in the precinct in Campbell county.

Which bills were severally received and read the first time and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision, and second reading of the second bill being dispensed with, the same was ordered to be engrossed and read a third time to-morrow.

Mr. Butler from the select committee appointed for that purpose, reported a bill for the relief of Sandford Keene; which was received and read the first time; and the question being taken on reading the said bill a second time, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Hall and Chisholm, were as follows, viz.

Yeas—Mr. Speaker, messrs. Allen, Anderson, Berry, Blakey, Boyd, Bray, Brents, Butler, Calhoun, Chisholm, J.

Clark, S. D. Clark, Cockerill, Cotton, Crow, Emerson, Fletcher, Gaines, Garrard, Gerard, Gordon, Green, Grundy, Harris, Henderson, Hickman, Howard, Hughes, King, Lee, Love, Lyne, Miller, T. P. Moore, Mosley, Mullens, Murray, M'Affee, M'Kee, M'Millan, Noland, O'Bannon, Parker, W. Patterson, Piercy, Phillips, N. P. Porter, O. C. Porter, Rife, Rudd, Sandford, Selby, Shannon, Sharp, Slaughter, Spillman, Stevenson, Stone, Todd, Warfield, Watkins, Wickliffe and Woods—64.

Nays—Messrs. Barnett, Bedinger, Cassidy, Cooper, Craig, Cravens, Cunningham, Farrow, Ferguson, Geohegan, Hall, Lacey, Lancaster, Lynch, Munford, M'Elroy, Payne, Ruffin, Scott and Townsend—20.

And thereupon the rule of the house and constitutional provision being dispensed with, the said bill was read a second time.

Mr. Cravens then moved to attach to said bill by way of amendment, the following as an additional section, viz.

Be it further enacted, That all persons within this commonwealth, who have listed any taxable property, and the same has been destroyed by fire, or died, the tax for 1819, shall be, and the same is hereby remitted, upon the fact being proven before the county court of the county in which such persons may reside, and the clerk of such court shall certify the same to the sheriff and auditor.

And the question being taken on agreeing to the said amendment, it was decided in the negative.

The yeas and nays being required thereon by messrs. Cravens and Howard, were as follows, viz.

Yeas—Messrs. Anderson, Blakey, Chisholm, S. D. Clark, Cockerill, Cooper, Craig, Cravens, Cunningham, Farrow, Geohegan, Green, Grundy, Hall, King, Lynch, Miller, Munford, M'Elroy, M'Millan, W. Patterson, Payne, Ruffin, Shacklett, Townsend, Warfield, Wickliffe, Williams and Woods—29.

Nays—Mr. Speaker, messrs. Allen, Barnett, Bedinger, Berry, Boyd, Bray, Brents, Butler, Calhoun, Cassidy, J. Clark, Cotton, Crow, Ferguson, Fletcher, Gaines, Garrard, Gerard, Gordon, Henderson, Hickman, Howard, Hughes, Lacey, Lancaster, Lee, Love, Lyne, T. P. Moore, Mosley, Mullens, Murray, M'Affee, M'Kee, Parker, Piercy, Phillips, N. P. Porter, O. C. Porter, Rife, Rudd, Sandford, Scott, Selby, Shannon, Slaughter, Spillman, Stevenson, Stone, Taylor, Todd and Watkins—55.

The said bill was then ordered to be engrossed and read a third time to-morrow.

A message from the senate by Mr. Given :

Mr. Speaker,

The senate have passed a bill entitled an act to establish and regulate the town of Princeton ; in which bill they request the concurrence of this house.

And then he withdrew.

The house took up the amendments proposed by the senate to a bill from this house entitled an act to erect election precincts in certain counties in this commonwealth.

Which being twice read were concurred in.

Ordered, That the clerk inform the senate thereof.

The house took up the amendment proposed by the senate to a bill from this house entitled an act providing for the repairing and furnishing the government house ; which was twice read as follows, viz.

Strike out from the word "Kentucky" in the third line, the residue of the bill, and insert in lieu thereof, the following :

"That John Brown and Achilles Sneed, are hereby authorised and requested to cause to be made such repairs to the governor's house as they may deem necessary for the preservation of the building and repairs thereof, and the appurtenances thereunto belonging ; and also such repairs and improvements on the lot, and addition to the furniture, as may be deemed necessary ; and the person or persons, making such repairs, shall present their accounts to the said commissioners, who if they approve the same, shall certify the amount thereof to the auditor of public accounts, whose duty it shall be to issue his warrant or warrants, on the treasurer for the amount so certified, who shall pay the same out of any money in the treasury not otherwise appropriated : Provided that the monies so disbursed shall not exceed the sum of fifteen hundred dollars."

It was then moved and seconded that this house disagree to said amendment.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Lancaster and Scott, were as follows, viz.

Yeas—Mr. Speaker, messrs. Allen, Anderson, Barnett, Blakey, Boyd, Bray, Brents, Butler, Caldwell, Calhoun, Cassidy, Chisholm, J. Clark, S. D. Clark, Cockerill, Cotton, Craig, Cravens, Crow, Cunningham, Farrow, Ferguson,

Fletcher, Gaines, Garrard, Gerard, Geohagan, Gordon, Green, Grundy, Hall, Henderson, Hickman, Howard, King, Lacey, Lee, Love, Lynch, Lyne, Miller, T. P. Moore, Mosley, Munford, Murray, M'Affee, M'Kee, M'Millan, Parker, W. Patterson, Payne, Piercy, Philips, N. P. Porter, O. C. Porter, Rife, Rudd, Ruffin, Scott, Selby, Shacklett, Shannon, Spillman, Stevenson, Stone, Taylor, Todd, Townsend, Warfield, Watkins, Wickliffe, Williams and Woods—74.

Nays—Messrs. Cooper, Emerson, Harris, Lancaster, M'Elroy and Sandford—6.

Ordered, That the clerk inform the senate thereof.

An engrossed bill entitled an act for the relief of Newell Beauchamp and Joseph M'Closky, was read a third time.

Resolved, That the said bill do pass, and that the title thereof be as aforeaaid.

Ordered, That the clerk carry the said bill to the senate and request their concurrence.

A bill from the senate entitled an act regulating the mode of admitting to the bar attornies at law of adjoining states,

Was read the first time, and ordered to be read a second time.

And thereupon the rule of the house, and second and third readings of said bill being dispensed with :

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the clerk inform the senate thereof.

A message from the senate by Mr. Lee, their secretary :

Mr. Speaker,

The senate have received official information that the governor did on the third instant approve and sign enrolled bills which originated in that house of the following titles :

An act further to regulate the payment of the debt due the commonwealth for the sale of vacant lands.

An act to amend an act entitled an act to amend an act to open a road from Mountsterling to the Virginia line by way of Prestonsburg, and for other purposes, approved February 4, 1820.

An act further to indulge the settlers on the lands acquired by the treaty of Tellico.

An act for the benefit of Elizabeth Alexander and her heirs.

A resolution for appointing a joint committee to confer with the proprietors of the Fayette Hospital, and for other purposes.

They have passed a bill which originated in this house entitled an act for the benefit of the heirs of Cornelius Robertson, deceased. They have adopted a resolution from this house providing for the purchase of a set of journals of the legislature, with an amendment. And they have passed a bill entitled an act providing for the appointment of commissioners to confer with commissioners from Virginia, to fix the point where the road leading from Mountsterling to the Virginia line shall cross it; in which amendment and bill they request the concurrence of this house.

And then he withdrew.

The following bills were severally read a second time, viz.—1. A bill for the benefit of Mary Neall; 2. A bill to amend an act entitled an act for appropriating the vacant lands of this commonwealth; 3. A bill to amend an act regulating divorces in this commonwealth; 4. A bill concerning the salaries of commonwealths' attornies; 5. A bill adding a small part of Owen county to the county of Franklin; 6. A bill to improve the navigation of the Ohio river from its mouth to Louisville; 7. A bill regulating the county courts in this commonwealth; 8. A bill to authorise the publication of advertisements in the Wasp and Independent Gazette; 9. A bill requiring physicians to have license; 10. A bill amending the law concerning constables; 11. A bill amendatory of the laws regulating conveyances; 12. A bill to alter the time of holding the circuit court of Nicholas county; 13. A bill for the benefit of Jonathan Bozarth; and 14. A bill to repeal in part an act more effectually to suppress the practice of duelling.

The 1st, 2d, 4th, 5th and 13th, were severally ordered to be engrossed and read a third time; the 2d and 13th on tomorrow; the third was committed to a select committee of messrs. Hall, Warfield, Wickliffe, Green, Howard and Brents; the seventh to a select committee of messrs. Slaughter, Ferguson, McKee, Calhoun and Fletcher; the eighth to a select committee of messrs. T. P. Moore, Gerard, Grundy and Green; the twelfth to a select committee of messrs. Roberts, Bedinger, Rudd, Philips, Sandford and Calhoun; the ninth was postponed until Monday next; the tenth and fourteenth until the first day of March next; and the eleventh until Wednesday next.

It was then moved and seconded to postpone the consideration of the sixth bill until the first day of April next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Cassidy and Miller, were as follows, viz.

Yeas—Messrs. Berry, Blakey, Cassidy, Chisholm, J. Clark, Cockerill, Cooper, Cotton, Cravens, Emerson, Farrow, Gaines, Geohegan, Harris, Lee, Lynch, Mansford, O'Bannon, W. Patterson, O. C. Porter, Rudd, Ruffin, Sandford, Sharp, Stone, Taylor, Warfield and Williams—29.

Nays—Mr. Speaker, messrs. Allen, Barnett, Bedinger, Boyd, Bray, Brents, Butler, Caldwell, Calhoun, S. D. Clark, Craig, Crow, Cunningham, Ferguson, Fletcher, Garrard, Gerard, Gordon, Green, Grundy, Hall, Henderson, Hickman, Howard, Hughes, King, Lacey, Lancaster, Love, Lyne, Miller, T. P. Moore, Mosley, Murray, M'Affee, M'Elroy, M'Kee, M'Millan, Parker, Payne, Piercy, Philips, N. P. Porter, Rife, Selby, Shacklett, Shannon, Slaughter, Spillman, Todd Townsend, Watkins, Wickliffe and Woods—55.

The said bill was then ordered to be engrossed and read a third time to-morrow.

And thereupon the rule of the house, constitutional provision and third reading of the 1st, 4th and 5th bills being dispensed with, and the same being engrossed :

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the clerk carry the said bills to the senate and request their concurrence.

And then the house adjourned.

TUESDAY, NOVEMBER 7, 1820.

Mr. Scott presented the petition of sundry citizens of Caldwell county, praying for the formation of a new county out of that part of said county lying south of the Cumberland river.

Also, the remonstrance of sundry citizens of said county, against the passage of any bill for the formation of a new county out of that part of the county of Caldwell which lies north of the Cumberland river.

Mr. Cravens presented the petition of sundry citizens of Caldwell county, praying for the formation of a new county

out of that part of Caldwell county lying north of the Camberland river.

And Mr. Cunningham presented the remonstrance of sundry citizens of Grayson county, against the passage of any law to form a new county out of a part of the counties of Grayson, Ohio and Breckinridge.

Which petitions and remonstrances were severally received, read and referred; the first, second and third to the committee of propositions and grievances; and the fourth to a select committee of messrs. Calhoun, Cunningham, Murray, Gordon, Watkins and Blakey.

Mr. Cockerill from the select committee to whom was referred an engrossed bill entitled an act to amend an act reducing into one the several acts for apprehending and securing runaways, reported the same with an amendment,

Which being twice read was concurred in.

Ordered, That the said bill as amended, be engrossed and again read a third time to-morrow.

Mr. Sandford from the joint committee appointed to examine the register's office, made the following report; which was received and read as follows, viz.

The joint committee of the senate and house of representatives, appointed to examine and report the state of the land office, have performed the duty required, and report as follows:

That they find the surveys transmitted from the Virginia land office, tied up in 273 bundles, newly labelled, with an alphabet; and 15 bundles containing the caveated and defective surveys from Virginia, on which grants have issued.—Eleven volumes containing the record of the aforesaid surveys, and sixteen volumes containing the record of grants issued thereon, with complete alphabets, and in good order. The record of military warrants from the Virginia land office, in two volumes, with alphabets, and in good order. A list of the Virginia treasury warrants, in two volumes. The record of pre-emption warrants, in one volume; and a volume containing the record of warrants under the proclamation of 1763, with alphabets, and in good order. Commissioners' certificates granted in 1779 and '80, in two volumes, lately transcribed, with alphabets, in good order. The sale books or non-resident's lands for the year 1800-1-2 and 4, have a new alphabet; the books are somewhat worn. The books in which the sales of 1805-6-7-8-9-10-11-12-13-14

15-16-17-18 and 19, are recorded, they find in good order, with alphabets. Two volumes in which surveys have been registered since 1792, in good order. The said surveys are tied up in 141 bundles, newly labelled, with an alphabet.—The record of these surveys, together with the record of some grants, are in 14 volumes, with an alphabet, new and in good order. The grants issued on the aforesaid surveys are in 19 volumes, to which there is an alphabet, new and in good order. The surveys upon head-right claims are neatly registered in three volumes, with alphabets. The head-right plats and certificates of surveys, are filed in 298 bundles, newly labelled, and recorded in 17 volumes, with two alphabets, new and in good order. Grants issued thereon, recorded in 25 volumes, with alphabets, in good order. The land warrants issued under the act of 1800, the surveys and grants on the same, as also the Tellico surveys and grants, are in two volumes, they are registered in one volume; the original surveys tied in bundles, and newly labelled, all in good order. One volume containing the surveys under the proclamation of 1763, with an alphabet. Two volumes of certificates granted in 1796, and three volumes in 1798, with alphabets. Anderson's and Croghan's military entry books, with alphabets. The transcript of Lincoln entries in two volumes, with an alphabet, in good order. May's entries, (so called) transcribed in 5 volumes, with two alphabets, in good order. One volume of Green's deputy register of surveys, made previous to June 1792. One volume of relinquishments in tolerable order. A list of Kentucky land warrants issued under the act of 1814, and the subsequent acts, in one volume; and the record of said warrants in three volumes; the original surveys made on said warrants, are tied up in 79 bundles, neatly labelled, and recorded in 5 volumes. The grants issued thereon recorded in seven volumes, with an alphabet new and in good order; one volume containing a register of said surveys, with an alphabet, in good order.—Three volumes in which caveats are recorded, with alphabets. One volume of commissioners' certificates granted in the year 1780, with an alphabet.

Your committee beg leave to state, that eleven books of original entries from the county of Fayette, and one book of original entries from the county of Mercer, have been returned by the surveyors of said counties, to the register's office, agreeably to the requisitions of an act approved, February 12th, 1820. Which books aforesaid, your committee find considerably worn and mutilated; and submit to this house

the propriety of some act of the legislature directing the register to copy such parts of said books as it may be practicable to transcribe.

All of which your committee respectfully submits.

Committee on the part of the senate.

ALEXANDER LACKEY,
SAMUEL L. WILLIAMS,
N. D. ANDERSON.

Committee on the part of the house of representatives.

ALFRED SANDFORD,
WILLIAM WAKEFIELD,
DAVID K. HARRIS,
WILLIAM GORDON,
M. L. MILLER,
JOHNSTON J. COCKERILL.

Mr. Hall moved the following resolution, which was twice read and concurred in.

Resolved by the House of Representatives, That nine o'clock shall be the standing order of adjournment for the balance of the session.

Mr. Garrard read and laid on the table the following resolution :

Resolved by the General Assembly of the Commonwealth of Kentucky, That a joint committee of two from the senate, and four from the house of representatives, be appointed to inquire, and report to each house the necessity (if any) to provide by law for the safekeeping of the public arms, and providing an office for the adjutant and quarter-master generals.

And thereupon the rule of the house being dispensed with, the said resolution was taken up, twice read and concurred in; and messrs. Garrard, Gerard, Fletcher and Williams, appointed a committee agreeably thereto.

Ordered, That Mr. Garrard carry the said resolution to the senate and request their concurrence.

Mr. Lancaster from the joint committee of enrolments, reported that the committee had examined an enrolled bill entitled an act regulating the manner of admitting to the bar at termies at law of adjoining states.

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

Ordered, That Mr. Lancaster inform the senate thereof.

A message from the senate by Mr. Lee, their secretary :

Mr. Speaker,

The senate recede from their amendment proposed to a bill

from this house entitled an act providing for the repairing and furnishing the government house, and for other purposes. They have passed bills from this house of the following titles : An act for the benefit of Newell Beauchamp and Joseph M'Closky ; an act concerning the salaries of commonwealths' attorneys ; and an act to appoint an additional number of justices of the peace in certain counties in this commonwealth, with an amendment to the latter bill. And they have passed a bill entitled an act for the benefit of John A. Markley ; in which amendment and bill, they request the concurrence of this house.

And then he withdrew.

Mr. Shannon moved the following resolutions, viz.

Resolved, That the present embarrassed condition of the country, absolutely demands at this time, the passage of a just and equitable *property law*, so constructed as to secure the rights of creditors, without entirely sacrificing the property of the debtors, or such amendments and alterations in the execution laws of the commonwealth, as will by their operations, effectuate the same desirable object.

2. *Resolved*, That this subject be taken up and acted upon as one of the most vital importance to the community, before any final determination be made in this legislature in relation to the subject of banking ; and that for this purpose, a select committee be appointed, to whom all the relief projects unconnected with banking heretofore suggested, shall be, and the same are hereby referred ; and that said committee have leave to report thereon by bill or otherwise.

On motion,

Ordered, That Mr. Shannon be added to the committee appointed to prepare and bring in a bill to prevent the sale of property under execution, unless the same will command a certain portion of its value.

Leave was given to bring in the following bills :

On the motion of Mr. Cravens—1. A bill directing in what manner, and in what courts suits may be brought by individuals or corporations against the commonwealth of Kentucky.

And on the motion of Mr. Crow—2. A bill for the benefit of the Grand Jurors of this commonwealth.

Messrs. Cravens, Brents, M'Kee, Green and Ruffin, were appointed a committee to prepare and bring in the first ; and messrs. Crow, Calhoun, Brents and Murray, the second.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. N. P. Porter—1. A bill providing for the payment of debts due by instalments.

By Mr. Noland—2. A bill for adding a part of Clay county to Estill county.

Which bills were severally received and read the first time, and the first ordered to be read a second time.

And the question being taken on reading the second bill a second time, it was decided in the negative, and so the said bill was rejected.

Ordered, That the public printers forthwith print 150 copies of the first bill for the use of the members of this house.

The house resumed the consideration of a bill to establish the bank of the commonwealth of Kentucky.

An amendment having been moved thereto :

The house then adjourned.

WEDNESDAY, NOVEMBER 6, 1820.

Mr. T. P. Moore presented the petition of sundry citizens of Mercer, Washington and Franklin counties, praying for the formation of a new county out of a part of each of said counties.

And also, a remonstrance against said petition.

Also, the petition of sundry citizens of Mercer county, praying that the proposition to open a road from Danville to the Tennessee line, be so amended as to commence at Harrodsburg instead of Danville.

Which petitions were severally received and read ; the first and second were referred to the committee of propositions and grievances ; and the third was laid on the table.

Mr. M'Millan from the committee of propositions and grievances, made the following report, viz.

The committee of propositions and grievances, have according to order had under consideration sundry petitions to them referred, and have come to the following resolutions thereupon, to wit :

Resolved, That the petition of sundry citizens of Scott county, praying that a part of said county be added to the county of Owen, is reasonable.

Resolved, That the petition of John Ridgeway, praying that a law may pass authorising him to build a mill-dam across Rough creek in Ohio county, is reasonable.

Resolved, That the petition of sundry citizens of Logan county, praying that a part of said county be added to Todd county, is reasonable.

Which being severally twice read, the first resolution was laid on the table ; the second was re-committed to the committee of propositions and grievances ; and the third being amended by striking out the words "*is reasonable*," and inserting in lieu thereof, the words "*be rejected*," was concurred in.

Mr. M'Millan from the same committee, also made the following report, viz.

The committee of propositions and grievances, have according to order, had under consideration the petition of sundry citizens of the counties of Barren, Cumberland, Adair and Green, praying for the formation of a new county out of a part of each of said counties, and have come to the following resolution thereupon, to wit :

Resolved, That the said petition, be rejected.

Which being twice read was concurred in.

On motion,

Ordered, That messrs. Ferguson and Lyne be excused from, and messrs. Garrard and Miller be added to the joint committee appointed under a resolution appointing a joint committee to confer with the proprietors of the Fayette Hospital.

On motion,

Ordered, That Mr. M'Kee be excused from, and messrs. Ferguson, T. P. Moore, Todd, Henderson and Brents, be added to the committee to whom was referred so much of the governor's message as relates to education and the Transylvania University.

Leave was given to bring in the following bills :

On the motion of Mr. Hall—1. A bill to prevent the securities of sheriffs within this commonwealth, from acting as their deputies.

And on the motion of Mr. Mosley—2. A bill to amend the several laws of this commonwealth for the punishment of slaves.

Messrs. Hall, Warfield, Allen, Geohagan, Gerard and Lynch, were appointed a committee to prepare and bring in the first ; and messrs. Mosley, Green, M'Kee, Bray and Watkins, the second.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. M'Asce from the committee of claims—1. A bill for the relief of David L. Ward.

And by Mr. Fletcher—2. A bill to exempt property from sale under execution, unless the same will command a certain portion of its value.

Which bills were severally received and read the first time, the second as follows, to wit :

WHEREAS, it appears that on account of the enormous and extravagant prices contracted to be paid for property, when the prospects of the country, as to its pecuniary concerns, were flattering ; and on account of the allurements to extravagance which those prospects exhibited ; and the great and unexpected depreciation of the currency and circulating medium in this commonwealth, the citizens are involved in debt and difficulty, and are without the means of retrieving themselves without a great and highly injurious sacrifice of property : For remedy whereof,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That when any constable, sheriff, coroner, commissioner or other officer, by virtue of any judgment, decree, attachment, order of sale, writ of *fiery facias*, *capias ad satisfaciendum*, or any other process of whatever description or kind, shall have property in charge or custody, to be exposed to sale, whether the same be real or personal, or when the same shall come to his hands by delivery under the schedule of any insolvent debtor, that it shall be the duty of said officer to advertise a sale thereof, according to the provisions of the existing law in such cases made and provided, and to make sale of the same, or so much thereof, as will be sufficient to satisfy the demand, and all costs, and charges, and commissions, provided the same will command three fourths of its value ; but not otherwise, any law to the contrary notwithstanding ; the said officers respectively, retaining all their former powers as to bond and security when a sale of said property shall be effected, as heretofore.

§ 2. *Be it further enacted,* That previous to the commissioners' entering upon the discharge of the several duties enjoined upon them by this act, that they shall severally take the following oath or affirmation, to wit : I do solemnly swear (or affirm) that in the discharge of the several duties incumbent on me under the provisions of the act of assembly, that I will to the best of my skill and ability demean myself by doing equal justice to the poor and the rich, without fear, favor or affection ; nor shall any fee or reward, hope or promise thereof, at any time induce me to fix upon any article or articles of property whatever, a greater or less valuation than in my deliberate judgment the same is worth—So help me God.—The said commissioners shall be entitled to demand of each debtor, making application for a valuation of his property and certificate thereof under the provisions of this act, the

sum of——— nor shall any applicant be entitled to receive from said commissioners, unless at their discretion, a certificate of the valuation of his property, until the aforesaid compensation shall have been paid.

§ 3. *Be it further enacted*, That when any debtor whose property is charged in execution, be the same real or personal, shall fail or refuse to make said application to said commissioners, and to procure said certificate of valuation, or having procured the same, shall fail to return the same to the proper officer, on or before the day of sale, that it shall be the duty of the officer to make sale of the debtor's property charged as aforesaid in execution, as though this act had not been passed ; making it at all times his duty to advertise the same as heretofore.

§ 4. *Be it further enacted*, That when a sale of property shall have been advertised according to the provisions of this act, and a sale thereof under the said provisions cannot be effected, the plaintiff in the execution, shall nevertheless, retain a lien upon the said property of the debtor, which shall not otherwise be determined than by the payment of the debt ; nor shall any transfer of property whatever, whether the same be for, or without consideration, defeat the same, after said process shall have been levied upon the said property of the debtor.

§ 5. That no sale of property whatever, shall take place by virtue of any deed of trust, mortgage or other instrument of writing, by which any property shall have been pledged for the payment of any debt to any individual, body corporate or politic, or any other banking institution whatever, in any other way or manner, than according to the foregoing provisions of this act. The trustee, officer or other person charged with the sale, shall have full power to remove the property from place to place within the boundaries of their respective counties, and to advertise the same from time to time, until a sale thereof can be effected under the provisions of this act.

§ 6. That when the value of any article of property shall have been ascertained by the commissioners appointed and qualified as herein directed, and a certificate thereof returned to the proper officer, if the plaintiff shall elect to take the property so charged in execution at the aforesaid proportion of its value in discharge of his debt, or any part thereof, and the debtor shall thereupon refuse the same, it shall be the duty of the officer who holds the same, forthwith to make sale thereof for the best price it will bring without delay.

§ 7. That the valuers shall be amenable to their respective county courts, and at the discretion of such courts may be deprived of their offices for neglect of duty or malfeasance therein; and upon the death, resignation or removal from office of any such valuer, the vacancy shall be supplied by a new appointment of the county court in which it shall happen.

§ 8. When the sheriff shall under any execution, have fixed the time and place for the sale of the property taken under such execution, he shall summon three of the commissioners appointed under this act, to value the property and ascertain the sufficiency of securities, to attend at the time and place of such sale; if only two of the said commissioners attend, they shall, after the hour of two o'clock, choose one of the by-standers to assist them in such valuation; if only one of the said commissioners shall attend, he shall at the same time, and in the same manner, choose one of the by-standers, and they shall together choose a third, to value such property as aforesaid; if neither of the said commissioners shall attend, the sale shall be postponed until another day, which shall not be longer than ten days, when the same proceedings shall be had as are directed to take place on the day first appointed for the sale. The sheriff shall administer the same oaths to the persons chosen by the commissioners as are directed by this act to be administered by

§ 9. To the end, that the value of each and every article or articles of property may be ascertained which may stand charged in execution, that it shall be the duty of the county courts in the different counties in this commonwealth, at the first term of their respective courts after the passage of this act, to appoint in each county, nine commissioners, who shall be in the opinion of the said court, good and sufficient judges of the value of property, and men of honest and respectable standing and character, any three or more of whom may act; whose duty it shall be when summoned as this act directs, to attend at the day and place of sale and estimate the value thereof, charged as aforesaid in execution, and give to the sheriff and to the debtor a certificate of the valuation thereof. No sale shall be made unless the same will command said proportion of its value according to the provisions of this act, the said officer making, in every instance whatever, the valuation of said commissioners, according to their certificates the criterion of its value.

§ 10. That whensoever on a sale under any execution, if the amount of such sale shall exceed the principal, interest

and costs, the sheriff, or other officer, as the case may be, shall pay over the surplus to the owner of the property, or at the election of the purchaser shall take a separate bond, with sufficient security, to be approved by the valuers, from the purchaser or purchasers, for the payment of such excess or surplus to the debtor with legal interest at the end of ——— months from the date thereof; and it shall be expressed in the said bond, that it was given for a surplus or excess as aforesaid.

§ 11. The sheriff, or other officer, as the case may be, shall deliver every bond so taken, to the debtor, his agent, attorney or other legal representative, or shall return it to the clerk's office, and it shall have the force of a judgment, be assignable, and shall be proceeded on in all things concerning the same, in like manner as is prescribed in case of replevin bonds given to a creditor: *Provided always*, that a sheriff or other officer making an unreasonable seizure, shall be liable to be sued as if this act had never been made.

§ 12. *Be it further enacted*, That if the sheriff or other officer, as the case may be, shall fail to pay over the surplus as above directed, or shall fail to deliver or return as aforesaid, any bond taken by virtue of this act, as the case may be, within thirty days from the date thereof, he shall be liable to the same penalty as is directed by law against a sheriff or other officer, for failing to return an execution.

§ 13. If any obligor or obligors, obligee or obligees, of any bond taken in pursuance of this act, or any assignee or assignees, shall die before such bond becomes due, or before the same be fully paid, it shall and may be lawful for the clerk to whom the same is directed to be returned, or his successor in office, upon the application of the obligee or obligees, or the survivors or survivor of the assignees or assignee, or the executor or administrator of any such obligee or assignee, to issue a writ of execution against every such obligor or obligors, or the survivors or survivor, or the executors or administrators of the deceased obligor or obligors, jointly or severally, and against each and either, jointly or separately; and the same may be pursued as aforesaid, until the same be fully paid, on which execution, shall be endorsed, "no security is to be taken."

§ 14. And for explanation of the law concerning real property seized or to be sold under the provisions of this act, where the apportionment of the value at which the same is to be sold shall exceed the amount of principal, interest and costs, and commissions charged thereon, it is hereby declar-

ed and enacted, that the officer or other person having charge of such sale, may, and shall sell so much as shall be sufficient to satisfy the demand, interest and costs, and commissioners as aforesaid, where the property is capable of division in severalty, or where partition in severalty cannot be made, then to sell such an undivided interest as may be sufficient; and in case such partition in severalty cannot be made, and an undivided interest cannot be sold for a sufficiency as aforesaid, then the whole may be sold, and the surplus, if any, shall be paid over to the owner, or bonded, as hereinbefore directed.

§ 15. That where any property is exposed to sale, and the sale cannot be effected as aforesaid, upon complaint of the creditor that the valuation has been excessive, the circuit court for the circuit wherein such property is to be exposed to sale, upon notice given to the debtor, or if he is absent, then to his agent, attorney in fact, or attorney at law, if any such is known, shall hear said complaint, and either party may take affidavits, and if it shall appear that such valuation has been excessive, the said court shall order the officer, or other person having charge of such sale to summon other three of the commissioners; and so on as often as a sale cannot be effected, and complaint shall be made of excessive valuation, other of the commissioners shall be called in, whose valuation shall be the rule as herein before directed, until a sale is effected at the proportion of value aforesaid.

§ 6. That when an execution shall issue, and the proper officer shall be about to levy the same, the debtor shall have the right to select the property which shall be exposed to sale: *Provided, however,* if the property so selected and exposed by the debtor will not sell for the requisite price, it shall then be the right of the creditor to select such and any of the property belonging to the debtor, as will command the price required by the provisions of this act.

§ 17. That when property will not sell under the provisions of this act, and the execution is binding the property, that unless the debtor shall punctually pay the interest semi annually, the creditor shall have the right to expose so much of the property to sale for whatever it will bring in ready money, as will be sufficient to pay the interest aforesaid.

§ 18. That all acts or parts of acts coming within the purview of this act, shall be, and the same are hereby repealed; and that this act shall commence and be in force, from and after its passage, until the ——— day of ——— in the year ———.

§ 19. Nothing in this act shall apply to any property taken or charged to satisfy any revenue tax, county levy, or to any public debts or demands whatever.

And the question being taken on reading the first bill a second time, it was decided in the negative, and so the said bill was rejected.

It was then moved and seconded to postpone the consideration of the second bill until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. French and Noland, were as follows, viz.

Yeas—Messrs. Barnett, Berry, Blakey, Boyd, Bray, Butler, Caldwell, Calhoun, Cassidy, S. D. Clark, Cooper, Cotton, Crow, Emerson, Ferguson, French, Garrard, Geohagan, Gordon, Grundy, Hickman, Howard, Lacey, Lancaster, Love, Lynch, Miller, T. P. Moore, Munford, Murray, M'Affee, M'Elroy, M'Millan, Noland, O'Bannon, Parker, J. Patterson, Payne, Piercy, Phillips, Prewitt, Rife, Rudd, Rullin, Sharp, Slaughter, Stevenson, Stone, Taylor, Townsend, Wakefield, Warfield, Watkins, Wickliffe, Wilcoxson, Williams and Woods—57.

Nays—Mr. Speaker, messrs. Allen, Anderson, Bedinger, Brents, Bullitt, Chisholm, J. Clark, Cockerill, Cravens, Farrow, Fletcher, Gaines, Gerard, Green, Hall, Harris, Henderson, Hunter, King, Lee, Lyne, H. W. Moore, Mosley, Mullens, M'Kee, W. Patterson, N. P. Porter, O. C. Porter, Roberts, Sandford, Scott, Selby, Shannon, Spillman, Todd and Winlock—37.

The house then resumed the consideration of a bill to establish the bank of the commonwealth of Kentucky.

And the said bill being further amended :

The house then adjourned.

THURSDAY, NOVEMBER 9, 1820.

Mr. Noland presented the petition of Debe Ginnons, praying for a divorce from her husband Daniel Ginnons.

Mr. Prewitt presented the remonstrance of sundry citizens of Scott county against the application to add a part of said county to the county of Owen.

Mr. N. P. Porter presented the remonstrance of sundry citizens of Gallatin county, against the application to add a part of said county to Owen county.

Which petition and remonstrances, were severally received, read and referred; the first to the committee of religion; and the second and third (together with the resolution from the committee of propositions and grievances reported on yesterday, with the petitions on which the same is founded) to the committee of propositions and grievances.

A message from the senate by Mr. Flournoy:

Mr. Speaker;

I am directed by the senate to request of this house permission to withdraw a bill which was announced by message as having passed the senate, entitled an act for the benefit of John A. Markley.

And then he withdrew.

Ordered, That the said permission be granted accordingly.

On motion,

Ordered, That Mr. Grundy have leave of absence from the service of this house, until Monday next.

Mr. M'Millan from the committee of propositions and grievances, made the following report, viz.

The committee of propositions and grievances, have according to order, had under consideration the petition of sundry persons interested in the town of Louisburg in Muhlenburg county, praying that a law may pass for the better regulation of said town, and have come to the following resolution thereupon, to wit:

Resolved, That the said petition, is reasonable.

Which being twice read, was concurred in.

Ordered, That the said committee prepare and bring in a bill pursuant to said resolution.

Mr. Warfield from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles:

An act to erect election precincts in certain counties in this commonwealth, and for other purpose; an act for the benefit of the heirs of Cornelius Robertson, deceased; an act to establish a public library at the seat of government; an act concerning the salaries of commonwealths' attornies; an act providing for the repairing and furnishing the government house, and for other purposes; and an act for the benefit of Newell Beauchamp and Joseph M'Closky.

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

Ordered, That Mr. Warfield inform the senate thereof.

On the motion of Mr. Townsend,
Ordered, That leave be given to bring in a bill to amend an act entitled an act to incorporate the Union Circulating Library Company, and Fredericksburg Social Library Company, approved February 12th, 1820 ; and that messrs. Townsend, Woods, McMillan, Watkins and Sharp, be appointed to prepare and bring in the same.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. Emerson—1. A bill for the benefit of Cornelius Phillips.

And by Mr. Wickliffe—2. A bill to divide the 5th judicial district.

Which bills were severally received and read the first time, and ordered to be read a second time.

A message from the senate by Mr. Lee, their secretary :

Mr. Speaker,

The senate have received official information that the governor did on the 7th instant approve and sign an enrolled bill which originated in that house, entitled an act regulating the mode of admitting to the bar attorneys of adjoining states.—They have passed bills from this house of the following titles : An act adding a small part of Owen county to the county of Franklin ; an act for the benefit of Mary Neal, with amendments to the latter bill. And they have passed a bill entitled an act granting a divorce to Elizabeth Western ; in which amendment and bill, they request the concurrence of this house.

And then he withdrew.

The house resumed the consideration of a bill to establish the bank of the commonwealth of Kentucky.

Mr. Wickliffe moved to amend said bill by attaching thereto, the following as an additional section, viz.

Be it further enacted, That if at any time from & after the 1st day of January, 1823, the holders of the notes of said bank shall present the same for payment, if payment thereof shall be refused by said corporation, the notes so presented shall bear an interest at the rate of six per centum per annum until payment be made ; and the cashiers of the mother bank and the branches, shall endorse upon the notes when presented for payment, and the interest shall be calculated from the time of such presentation and demand till paid.

It was then moved and seconded to amend said amendment by striking out the word "*six*" in the fifth line thereof, and inserting in lieu, the word "*three*."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Wickliffe and Cockerill, were as follows, to wit :

Yeas—Mr. Speaker, messrs. Allen, Anderson, Brents, Bulitt, Calhoun, Chisholm, Cockerill, Cooper, Craig, Cravens, Crow, Cunningham, Emerson, Farrow, Fletcher, Gaines, Gerard, Geohagan, Gordon, Hall, Harris, Hughes, King, Lee, Lynch, T. P. Moore, Mosley, Mullens, Munford, M'Affee, M'Elroy, O'Bannon, J. Patterson, W. Patterson, N. P. Porter, O. C. Porter, Prewitt, Rife, Rudd, Ruffin, Scott, Selby, Shacklett, Sharp, Slaughter, Taylor, Todd, Warfield, Wilcoxson and Williams—51.

Nays—Messrs. Barnett, Bedinger, Berry, Blakey, Boyd, Bray, Butler, Caldwell, Cassidy, J. Clark, S. D. Clark, Cotton, Ferguson, French, Garrard, Green, Henderson, Hickman, Hunter, Lacey, Lancaster, Love, Lyne, H. W. Moore, Murray, M'Kee, M'Millan, Noland, Parker, Payne, Piercy, Phillips, Roberts, Sandford, Shannon, Spillman, Stevenson, Townsend, Wakefield, Watkins, Wickliffe, Winlock and Woods—43.

The said amendment as amended, was then disagreed to.

The fifth section, as amended, was then read as follows, to wit :

§ 5. That the capital stock of said bank, shall be millions of dollars, to be raised and paid in the following manner, to wit : All monies paid into the treasury for the purchase of the vacant lands of the commonwealth, all moneys paid into the treasury for the purchase of land warrants, all moneys which may hereafter be raised for the sale of the vacant lands west of the Tennessee river, and so much of the capital stock owned by the state in the bank of Kentucky, as may belong to the state after the affairs of said bank shall be settled up, with the profits thereof, not heretofore pledged or appropriated by law, shall be exclusively appropriated to the making up the capital stock of said bank : And the treasurer of this commonwealth shall, and he is hereby required, from time to time, as he may receive moneys on all, or any of the accounts aforesaid, to pay the same over to the said bank, and take the cashier's receipt therefor, and file the said receipt with the auditor of public accounts, who shall thereupon pass a quietus to the treasurer.

It was then moved and seconded to amend said section, by inserting after the word "money," in the 3d and 5th lines, the word "hereafter."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Miller and Parker, were as follows, viz.

Yeas—Mr. Speaker, messrs. Barnett, Bedinger, Boyd, Bullitt, Butler, Caldwell, S. D. Clark, Cotton, Craig, Emerson, Farrow, Ferguson, French, Garrard, Gerard, Green, Hall, Henderson, Hickman, Howard, Hunter, Lacey, Lancaster, Love, Lyne, Miller, T. P. Moore, Murray, M'Elroy, M'Kee, M'Millan, Noland, Parker, Payne, Piercy, Philips, Prewitt, Sandford, Scott, Shannon, Spillman, Stevenson, Stone, Todd, Townsend, Wakefield, Warfield, Wickliffe, Wilcoxson, Williams and Woods—52.

Nays—Messrs. Allen, Anderson, Blakey, Brents, Calhoun, Cassidy, Chisholm, Cockerill, Cooper, Cravens, Crow, Cunningham, Fletcher, Gaines, Geohegan, Gordon, Harris, Hughes, King, Lee, Lynch, H. W. Moore, Mosley, Mullens, Munford, J. Patterson, W. Patterson, N. P. Porter, O. C. Porter, Rife, Roberts, Rudd, Ruffin, Selby, Shacklett, Sharp, Slaughter, Taylor, Watkins and Winlock—40.

Mr. Garrard then moved further to amend said section by inserting after the word "river," in the 8th line thereof, the words "which shall be paid for in gold or silver."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Shannon and Lee, were as follows, viz.

Yeas—Messrs. Bullitt, Butler, Caldwell, S. D. Clark, Ferguson, Garrard, Howard, Love, M'Kee, Shannon, Spillman, Stone, Townsend, Wakefield and Woods—14.

Nays—Mr. Speaker, messrs. Allen, Anderson, Barnett, Bedinger, Berry, Blakey, Boyd, Brents, Calhoun, Cassidy, Chisholm, J. Clark, Cockerill, Cooper, Cotton, Craig, Cravens, Crow, Cunningham, Emerson, Farrow, Fletcher, French, Gaines, Gerard, Geohegan, Gordon, Green, Hall, Harris, Henderson, King, Lancaster, Lee, Lynch, Lyne, Miller, H. W. Moore, T. P. Moore, Mosley, Mullens, Munford, Murray, M'Affee, M'Elroy, M'Millan, Noland, O'Bannon, J. Patterson, W. Patterson, Payne, Piercy, N. P. Porter, O. C. Porter, Prewitt, Rife, Roberts, Rudd, Ruffin, Scott, Selby, Shacklett, Sharp, Slaughter, Stevenson, Taylor,

Todd, Warfield, Watkins, Wickliffe, Wilcoxson, Williams and Winlock—74.

A further amendment having been moved :

The house then adjourned.

FRIDAY, NOVEMBER 10, 1820.

A message from the senate by Mr. Lee, their secretary :

Mr. Speaker,

The senate concur in a resolution from this house to appoint a joint committee to enquire into the necessity of providing for the safekeeping of the public arms and offices of the adjutant and quarter-master generals ; and have appointed a committee on their part. And they have passed bills of the following titles : An act for the benefit of Thomas Mahan ; and an act for the benefit of Daniel Trabue and others ; in which bills they request the concurrence of this house.

And then he withdrew.

Mr. T. P. Moore from the select committee to whom was referred a bill to authorise the insertion of advertisements in the Wasp and Independent Gazette, reported the same with an amendment,

Which being twice read was concurred in.

Ordered, That the said bill as amended, be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision, and third reading of said bill being dispensed with, and the same being engrossed :

Resolved, That the said bill do pass ; and that the title be amended to read an act authorising the insertion of advertisements in the Wasp and Independent Gazette, and the Olive Branch,

Ordered, That Mr. T. P. Moore carry the said bill to the senate and request their concurrence.

Mr. Philips presented the petition of Edward Hord, representing that he, as the agent of the heirs of Thomas Coghill, deceased, commenced an action of ejectment against sundry persons in the general court for 1500 acres of land, patented to said Thomas, deceased, obtained a judgment therefor, which was affirmed in the court of appeals ; that the defendants then filed their bill, and enjoined the judgment at law, and by various artifices and pretexts, delayed a trial thereof, until the year 1817, when the injunction was dissolved and bill dismissed with costs ; but that the demise

said in his declaration in ejectment (being for ten years) having expired, the court refuses to grant him a writ of possession, and praying legislative relief.

Which petition was received, read and referred to the committee for courts of justice.

Ordered, That messrs. Boyd and Cravens have leave of absence from the service of this house until Monday, and Mr. Grundy until Tuesday next.

Mr. McMillan from the committee of propositions and grievances, to whom was re-committed on yesterday, a resolution declaring the application of John Ridgeway, to build a mill dam across Rough creek in Ohio county, *reasonable*, reported the same with an amendment by striking out the words "is reasonable," and inserting in lieu thereof, the words "be rejected."

And the question being taken on concurring in the said amendment, it was decided in the negative.

The said resolution was then concurred in.

Ordered, That the said committee prepare and bring in a bill pursuant to said resolution.

A message from the governor by Mr. Breckinridge, his secretary:

Mr. Speaker,

The governor did on yesterday approve and sign enrolled bills which originated in this house of the following titles:

An act to establish a public library at the seat of government.

An act for the benefit of the heirs of Cornelius Robertson, deceased.

An act providing for the repairing and furnishing the government house, and for other purposes.

An act for the benefit of Newell Beauchamp and Joseph McClosky.

An act concerning commonwealths' attorneys.

An act to erect election precincts in certain counties in this commonwealth, and for other purposes.

And then he withdrew.

Ordered, That Mr. Warfield inform the senate thereof.

Mr. McMillan from the committee of propositions and grievances, made the following report, viz.

The committee of propositions and grievances, have according to order, had under consideration sundry petitions to them referred, and have come to the following resolutions thereupon, to wit:

Resolved, That the petition of sundry citizens of Gallatin

county, praying that a part of said county be added to the county of Owen, be rejected.

Resolved, That the petition of sundry citizens of Fleming county, praying that a part of said county be added to the county of Nicholas, is reasonable.

Which being twice read, and the second resolution amended by striking out the words "is reasonable," and inserting in lieu thereof, the words "be rejected," were concurred in.

Mr. Scott from the committee of religion, made the following report, which was laid on the table, viz.

The committee of religion, have according to order had under consideration several petitions to them referred, and have come to the following resolutions thereupon, to wit :

Resolved, That the petition of John Terry, representing that his wife has been guilty of adultery, and praying for a divorce, be rejected.

Resolved, That the petition of Debe Ginnons, representing that her husband has abandoned her since January, 1818, and without making any provision for her support, and praying for a divorce, be rejected.

A message from the senate by Mr. Davidson :

Mr. Speaker,

The senate have passed a bill entitled an act for the benefit of the heirs of John Green ; in which bill they request the concurrence of this house.

And then he withdrew.

The house resumed the consideration of a bill to establish the bank of the commonwealth of Kentucky.

The amendment offered by Mr. Garrard on yesterday to section 33 of said bill, was read as follows, viz.

Provided, however, That the president and directors shall not commence the exercise of banking powers until they shall be possessed of cash actually paid into their vaults the sum of \$ 100,000 ; nor shall they be permitted at any time, to issue notes to a greater amount than ten times the amount of money actually received.

It was then moved and seconded to amend said amendment, by striking out the word "ten," and inserting in lieu thereof, the word "three."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Green and Cassidy, were as follows, viz.

Yeas—Mr. Speaker, messrs. Allen, Barnett, Bedinger, Berry, Bullitt, Butler, Caldwell, J. Clark, S. D. Clark, Cotton,

Craig, Farrow, Ferguson, French, Garrard, Green, Henderson, Hickman, Howard, Hunter, Lacey, Lancaster, Lee, Love, Lyne, Miller, Murray, M'Kee, M'Millan, Noland, Parker, Payne, Piercy, Philips, N. P. Porter, Sandford, Scott, Shannon, Sharp, Spillman, Stevenson, Stone, Todd, Townsend, Wakefield, Warfield, Wickliffe and Woods—49.

Nays—Messrs. Anderson, Blakey, Brents, Calhoun, Cassidy, Chisholm, Cockerill, Cooper, Cunningham, Emerson, Fletcher, Gerard, Geohegan, Gordon, Hall, Harris, King, Lynch, H. W. Moore, T. P. Moore, Mosley, Mullens, Munford, M'Afee, M'Elroy, O'Bannon, J. Patterson, W. Patterson, Prewitt, Rife, Roberts, Rudd, Ruffin, Selby, Shacklett, Slaughter, Taylor, Watkins, Wilcoxson, Williams and Winlock—41.

The said amendment was then amended to read as follows, to wit.

Provided however, That the president and directors shall not be permitted at any time to issue notes to more than three times the amount of the capital actually paid in.

The question was then taken on agreeing thereto, which was decided in the negative.

The yeas and nays being required thereon by messrs. Lancaster and H. W. Moore, were as follows, viz.

Yeas—Messrs. Barnett, Bedinger, Butler, Caldwell, S. D. Clark, Cotton, Ferguson, French, Garrard, Green, Hickman, Howard, Hunter, Lacey, Lancaster, Love, Lyne, Miller, Murray, M'Kee, M'Millan, Noland, Parker, Payne, Piercy, Philips, Sandford, Scott, Shannon, Spillman, Stevenson, Stone, Townsend, Wakefield, Wickliffe and Woods—36.

Nays—Mr. Speaker, messrs. Allen, Anderson, Berry, Blakey, Brents, Calhoun, Cassidy, Chisholm, J. Clark, Cockerill, Cooper, Craig, Crow, Cunningham, Emerson, Farrow, Fletcher, Gaines, Gerard, Geohegan, Gordon, Hall, Harris, Henderson, Hughes, Lee, Lynch, H. W. Moore, T. P. Moore, Mosley, Mullens, Munford, M'Afee, M'Elroy, O'Bannon, J. Patterson, W. Patterson, N. P. Porter, O. C. Porter, Prewitt, Rife, Roberts, Rudd, Ruffin, Shacklett, Sharp, Slaughter, Taylor, Todd, Warfield, Watkins, Wilcoxson, Williams and Winlock—55.

Mr. J. Clark then moved to strike out the whole of the original bill as amended, after the enacting clause, and to insert in lieu thereof, the following, viz.

§ 1. *Be it enacted by the general assembly of the commonwealth of Kentucky,* That the laws incorporating the President, Directors and Company, of the Bank of Kentucky as

now in force, shall continue and remain in force, until the end of the year subject however to the following amendments and alterations.

§ 2. No Person shall act as a Director of the Bank of Kentucky or any of its Branches, who shall not be the owner of at least five shares in the capital stock of said Bank: Not more than two thirds of the Directors of the Bank of Kentucky, or its Branches, who are in office at the time of an annual election, shall be elected for the next succeeding year, and no director shall hold his office more than three years out of four, in succession. Nothing in this act shall be construed to extend to the president of the bank or any of its branches.

§ 3. The stockholders resident in the county, where a branch of the bank may be located, and those resident in any adjoining county, in which a branch may not be located, shall at such time and manner, as shall be prescribed by the by-laws of the corporation, by votes according to their stock, recommend as many persons for directors as shall be allowed to such branch bank, which election shall be reported by the cashier of said branch bank, to the president, directors and company of the bank of Kentucky, who shall appoint at least three fourths of the number so recommended, to act as directors for said branch.

§ 4. A president, director, or clerk, or cashier of the said bank or its branches, shall not be endorser, on notes, bills of exchange, purchased or discounted by the said corporation to a greater amount than \$5000.

§ 5. No additional branch bank shall be established without the concurrence of two thirds of the directors, elected by the state, and two thirds of those elected by the stockholders, nor without the assent of the general assembly. And if a Branch bank now established, or which may hereafter be established, shall at any time prove unproductive; that is, if the same shall not yield a fair bank profit, after paying its due proportion of expences, it shall be the bounden duty of the corporation to withdraw such branch.

§ 6. The stockholders may at their annual meetings, elect one visiter and the legislature may annually by joint ballot elect another, who shall not be directors of the bank, or either of the branches, or members of either branch of the legislature. The visitors shall have full power and authority at all times, and on all occasions, to enter into the bank and its branches, to examine the funds on hand, the books, papers, dealings and transactions of every kind of the bank and

its branches, to require statements and explanations, verbal or written, of the directory of their dealing and course of business. And whenever they shall be of opinion, that the interest of the institution requires it, they shall make reports, general or special, to the stockholders, and to the legislature.

§ 7. The president, directors and company, may at any time purchase in any stock or estate, which now is, or may hereafter be pledged to them, and which it may be necessary for them to sell, which sale may be made by the trustees, or officers of the bank, as shall be agreed upon, and stipulated in the deed or mortgage, whereby the same shall be pledged.

§ 8. *Be it further enacted.* That the president, directors and company of the said bank, shall not purchase any real estate under the provisions of this act, when the same can be sold at public sale to any other person for the amount of the debt, interest and costs due the bank; and they may sell and convey the same when so purchased in, at any time when the interest of the institution shall require it.

§ 9. *Be it further enacted.* That no person shall be eligible to the office of President or director, or cashier of the mother bank or its branches, or shall act as such, who may be a member of either house of the general assembly, of this commonwealth. And any president, director or cashier of the mother bank, or any of its branches, who shall be elected to either house of the legislature, shall by his election to the general assembly, vacate his office as president, director, or cashier, and shall be ineligible for one year, after his term of service in the legislature shall have expired; and the vacancy shall be filled in the same manner as if it had taken place by death or resignation.

§ 10. From and after the last day of December 1821, there shall be paid by the said corporation, an annual tax, or bonus upon the capital stock actually paid in, cents on each share, to be paid in and collected as is now prescribed by law, for the collection of the tax already imposed upon the stock of the said bank.

§ 11. *Be it further enacted.* That it shall be lawful for the attorney general to sue out a *scire facias* against the said corporation in the general court, summoning the president thereof, for the time being, as the representative of the said bank, to show cause, why the charter of the said bank shall not be repealed and declared forfeited, in which *scire facias* he shall set forth the facts by which the said bank, may have forfeited its charter, upon which an issue shall be formed, either of law

or fact, as in other cases; and if the same shall be found against the said corporation, the court shall pronounce judgment, declaring void the said charter. Nevertheless the said corporation may sue and be sued in its corporate name and character until the business of the said corporation shall be finally closed.

§ 12. *Be it further enacted*, That the loans by the said corporation, to any one person, or company of persons, shall not at any time exceed the sum of \$10,000, unless upon a pledge of stock at such value as the president and directors shall fix; and it shall be the duty of the president and directors, by regular calls to reduce the amount of the debts now owing to the said corporation, by any person, or persons, until the same shall not exceed the amount aforesaid, or to any less amount they may think proper and right.

§ 13. *Be it further enacted*, That the president, directors and company of the bank of Kentucky shall, on or before the first day of January 1823, pay specie for her notes, as they may be presented for payment at the proper offices, and upon their failing or refusing to do so, they shall be compelled to pay an interest of 6 per centum, upon the amount of all such notes, as shall be presented for payment from the time of such presentation and demand; and it shall be the duty of the cashier of the said bank and branches, to endorse upon the said notes, the time the same were presented to their respective offices for payment; and the interest upon said notes, shall continue to run until the president, directors and company, shall give notice in the paper of the Public Printer of this Commonwealth, that they have commenced the payment of their debts in Specie.

§ 14. *Be it further enacted*, That if at any time after the said first day of January, 1823, the president, directors and company shall suspend the payment of specie for their notes, the same shall bear an interest of six per centum per annum, from the time of their presentation for payment and refusal, until paid, or until the said corporation shall give notice of their ability and willingness to pay.

§ 15. *Be it further enacted*, That the president, directors and company of the bank of Kentucky, in addition to the mode and form now pursued in the notes by them discounted, may also adopt the following, in substance, as the form of the note to be by them discounted: We, A, B, principal, and B, C, and D, E, securities, or either of us, promise to pay the president, directors and company of the bank of Kentucky, the sum of days after date, value received." The con-

sideration of which note, when discounted by the bank or its branches, shall not by the said drawers, or either of them, be questioned, in any suit brought upon the same, to coerce the payment thereof, from the whole, or either of the obligors in said note.

§ 16. *And be it further enacted*, That hereafter it shall not be necessary for the president, directors and company of the said bank, to give notice of protest of any bill or note by them discounted, to the drawer or endorsers, unless in cases when it is on a real transaction between the drawer and endorsers; and in cases where the want of notice shall be urged as a ground of defence in any suit hereafter brought, the defendant or defendants shall prove satisfactorily to the court and jury, that the note sued upon was a real transaction, and that the same was not by him endorsed, to enable the drawer, or any one else, to obtain credit by such endorsement.

§ 17. *Be it further enacted*, That if any stockholder shall wish to withdraw his stock at the expiration of the charter of the said bank, hereby extended, it shall be the duty of such stockholders, their agent, executor, administrator or guardian, on or before the first day of January, 1821, to file with the first clerk of the said bank, a notice in writing, of his, her or their intention, to withdraw their stock, which notice shall be recorded in a book to be kept for that purpose, and the names of all those who have thus notified their wish to withdraw their stock, shall together with the amount of their stock, be reported to the next legislature, on or before the third day of their session.

§ 18. *Be it further enacted*, That the president and directors, of the said bank, in case of notification thus filed for the withdrawal of the stock, shall cause a fair valuation of the worth of the institution, taking into consideration the losses to arise from bad debts, &c. at the expiration of the old charter, which estimate shall be laid before the legislature, at their ensuing session, who by law shall prescribe the time, mode, and manner in which the amount or value of stock so withdrawn shall be paid to the respective owners.

§ 19. *Be it further enacted*, That it shall be lawful for the said president, directors and company of the bank of Kentucky, at any time to purchase estate sold under execution or mortgage, deed of trust, or by decree of a court of Chancery, to satisfy any debt or demand due to said corporation.

§ 20. *Be it enacted*, That the act, entitled an act, to amend and continue in force for a longer period, the charter of the Bank of Kentucky, Approved Feb. 6th 1819, be and the same is hereby repealed.

§ 21. It shall be the duty of the president, directors and company aforesaid, to issue, and as far as the public interest may require, to circulate an additional sum in the paper of the said bank, which additional sum, together with the amount now in circulation, shall not, during the year 1821, at any time exceed the sum of three millions two hundred thousand dollars.

§ 22. That the president, directors and company, shall apportion the sum to be issued during the year 1821 to the several branches thereof, in due proportion to the wealth of the districts to be accommodated by the said branches; and the president and directors shall make such rules and regulations, and give such instructions to the directors of the branches respectively, as shall secure to the citizens of each county in this state, a just proportion of the money hereby authorised to be loaned in the year 1821; which proportion shall be ascertained agreeably to the taxes to be paid into the public treasury by each county for the year 1820: *Provided however*, that if at any time the sum or sums thus allotted to any county, shall remain in the bank or any of its branches after the first day of January next, it shall and may be lawful for the said bank and its branches to loan the same to any person applying for the same, according to the provisions of this act.

§ 23. It shall be lawful for the president and directors of the said bank to lend the money to be issued for the year 1821, for any time not exceeding one year.

It was then moved and seconded to amend said amendment, by striking out from the 20th, section thereof, "*three millions two hundred thousand dollars,*" and to leave the same a blank.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Howard and J. Clark, were as follows, viz.

Yeas—Messrs. Barnett, Bedinger, Butler, Caldwell, S. D. Clark, Cotton, Ferguson, French, Garrard, Green, Hickman, Howard, Hunter, Lacey, Lancaster, Love, Lyne, Miller, Murray, M'Kee, M'Millan, Payne, Piercy, Philips, Sandford, Scott, Shannon, Spillman, Stevenson, Stone, Todd, Townsend, Wakefield, Warfield, Wickliffe and Woods—36.

Nays—Mr. Speaker, messrs. Allen, Anderson, Berry, Blakey, Brents, Calhoun, Cassidy, Chisholm, J. Clark, Cockerill, Cooper, Craig, Crow, Cunningham, Emerson, Farrow, Fletcher, Gaines, Gerard, Gehegan, Gordon, Hall,

Harris, Henderson, Hughes, King, Lee, Lynch, H. W. Moore, T. P. Moore, Mosley, Mullens, Munford, M'Affee, M'Elroy, Noland, O'Bannon, Parker, J. Patterson, W. Patterson, N. P. Porter, O. C. Porter, Prewitt, Rife, Roberts, Rudd, Ruffin, Selby, Shacklett, Sharp, Slaughter, Taylor, Watkins, Wilcoxson, Williams and Winlock—57.

The question was then taken on agreeing to the said amendment in lieu of the bill as amended, which was decided in the negative.

The yeas and nays being required thereon by messrs. Lee and T. P. Moore, were as follows, viz.

Yeas—Messrs. Caldwell, J. Clark, Ferguson, Gerard, Hickman, Howard, Lacey, M'Kee, Payne, Piercy, Sandford, Scott, Shannon, Stevenson, Todd and Woods—16.

Nays—Mr. Speaker, messrs. Allen, Anderson, Barnett, Bedinger, Berry, Blakey, Brents, Butler, Calhoun, Cassidy, Chisholm, S. D. Clark, Cockerill, Cooper, Cotton, Craig, Crow, Cunningham, Emerson, Farrow, Fletcher, French, Gaines, Garrard, Geohagan, Gordon, Green, Hall, Harris, Henderson, Hughes, Hunter, King, Lancaster, Lee, Love, Lynch, Lyne, Miller, H. W. Moore, T. P. Moore, Mosley, Mullens, Munford, Murray, M'Affee, M'Elroy, M'Millan, Noland, O'Bannon, Parker, J. Patterson, W. Patterson, Phillips, N. P. Porter, O. C. Porter, Prewitt, Rife, Roberts, Rudd, Ruffin, Selby, Shacklett, Sharp, Slaughter, Spillman, Stone, Taylor, Townsend, Wakefield, Warfield, Watkins, Wickliffe, Wilcoxson, Williams and Winlock—77.

It was then moved and seconded to amend the said bill by striking out 1841, being the time prescribed for the continuance of the charter of the said bank, and to insert in lieu thereof, 1831.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Garrard and Caldwell, were as follows, viz.

Yeas—Messrs. Barnett, Bedinger, Butler, Caldwell, J. Clark, S. D. Clark, Cotton, Ferguson, Garrard, Gerard, Green, Henderson, Hickman, Howard, Hunter, Lacey, Lancaster, Love, Miller, H. W. Moore, Murray, M'Kee, M'Millan, Noland, Parker, Payne, Piercy, Phillips, Prewitt, Roberts, Sandford, Scott, Selby, Spillman, Stevenson, Stone, Todd, Townsend, Wakefield, Wickliffe and Woods—41.

Nays—Mr. Speaker, messrs. Allen, Anderson, Berry, Blakey, Brents, Calhoun, Cassidy, Chisholm, Cockerill, Cooper, Craig, Crow, Cunningham, Emerson, Farrow,

Fletcher, Gaines, Geohegan, Gordon, Hall, Harris, Hughes, King, Lee, Lynch, Lyne, T. P. Moore, Mosley, Mullens, Munford, M'Affee, M'Elroy, O'Bannon, J. Patterson, W. Patterson, N. P. Porter, O. C. Porter, Rife, Rudd, Ruffin, Shacklett, Shannon, Sharp, Slaughter, Taylor, Warfield, Watkins, Wilcoxson, Williams and Winlock—51.

The question was then taken on engrossing said bill as amended, and reading it a third time, which was decided in the affirmative.

The yeas and nays being required thereon by messrs. Wickliffe and T. P. Moore, were as follows, viz.

Yeas—Mr. Speaker, messrs. Allen, Anderson, Berry, Blakey, Brents, Calhoun, Cassidy, Chisholm, J. Clark, Cockerill, Cooper, Craig, Crow, Cunningham, Emerson, Farrow, Fletcher, Gaines, Gerard, Geohegan, Gordon, Hall, Harris, Henderson, Hughes, King, Lee, Lynch, H. W. Moore, T. P. Moore, Mosley, Mullens, Munford, M'Affee, M'Elroy, O'Bannon, J. Patterson, W. Patterson, N. P. Porter, O. C. Porter, Prewitt, Rife, Roberts, Rudd, Ruffin, Selby, Shacklett, Sharp, Slaughter, Taylor, Warfield, Watkins, Wilcoxson, Williams and Winlock—56.

Nays—Messrs. Barnett, Bedinger, Butler, Caldwell, S. D. Clark, Cotton, Ferguson, French, Garrard, Green, Hickman, Howard, Hunter, Lacey, Lancaster, Love, Lyne, Miller, Murray, M'Kee, M'Millan, Noland, Parker, Payne, Piercy, Philips, Sandford, Scott, Shannon, Spillman, Stevenson, Stone, Todd, Townsend, Wakefield, Wickliffe and Woods—57.

Ordered, That the public printers forthwith print 150 copies of said bill for the use of the members of this house.

And then the house adjourned.

SATURDAY, NOVEMBER 11, 1820.

Mr. Gerard presented the remonstrance of sundry citizens of Franklin county against the application to form a new county out of part of the counties of Franklin, Washington and Mercer.

Which was received, read and referred to the committee of propositions and grievances.

The house took up the report of the committee of religion made on yesterday; which being twice read, and the latter resolution amended by striking out the words *be rejected*, and inserting in lieu thereof, the words *is reasonable*, was concurred in.

Ordered, That the said committee prepare and bring in a bill pursuant to the second resolution.

Mr. McKee from the committee for courts of justice, made the following report, viz.

The committee for courts of justice have according to order, had under consideration the petition of Jane Trabue, administratrix of Edward Trabue, deceased, praying that a law may pass to authorise her to make sale of a tract of land devised to his heirs; and to vest the proceeds in lands elsewhere for their benefit, and have come to the following resolution thereupon, to wit:

Resolved. That the said petition, be rejected.

Which being twice read, was laid on the table.

A message from the senate by Mr. Ewing:

Mr. Speaker,

The senate have passed a bill entitled an act to regulate appeals from justices of the peace to the county courts; and a bill entitled an act for the benefit of John A. Markley; in which bills they request the concurrence of this house.

And then he withdrew.

Leave was given to bring in the following bills:

On the motion of Mr. Warfield—1. A bill to incorporate the Leesburg library company.

On the motion of Mr. Harris—2. A bill to amend an act entitled an act establishing the Prestonsburg academy in Floyd county, approved the 13th of January, 1820.

And on the motion of Mr. Wickliffe—3. A bill to authorise Maurice L. Miller to build a mill on Floyd's fork.

Messrs. Warfield, Hickman and Gordon, were appointed a committee to prepare and bring in the first; messrs. Harris, Lynch, Woods and Love, the second; and messrs. Wickliffe, Ferguson and Bray, the third.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. Townsend—1. A bill to amend an act entitled an act to incorporate the Union circulating library company, and the Fredericksburg social library company.

By Mr. McKee from the committee for courts of justice, as unfinished business of the last session—2. A bill for the benefit of the heirs of Fortunatus Dale.

And by Mr. Warfield—3. A bill to incorporate the directors of the Leesburg library company.

Which bills were severally received and read the first time, and ordered to be read a second time.

An engrossed bill entitled an act to establish the bank of the commonwealth of Kentucky, was read a third time.

The blank in the first section being filled with Harrodsburg, it was then moved and seconded to fill the blank in the fifth section of the bill with three millions of dollars as the capital stock of said bank.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Howard and Farrow, were as follows, viz.

Yeas—Messrs. Allen, Anderson, Blakey, Brents, Calhoun, Cassidy, Chisholm, J. Clark, Craig, Fletcher, Gaines, Gerard, Geohegan, Gordon, Hall, Harris, Hughes, King, Lee, Lynch, Lyne, H. W. Moore, T. P. Moore, Mosley, Mullens, M'Affee, O'Bannon, Parker, W. Patterson, O. C. Porter, Rife, Roberts, Rudd, Selby, Shannon, Slaughter, Taylor and Winlock—38.

Nays—Mr. Speaker, messrs. Barnett, Bedinger, Berry, Butler, Caldwell, Cooper, Cotton, Crow, Cunningham, Emerson, Farrow, Ferguson, French, Garrard, Green, Henderson, Hickman, Howard, Lacey, Lancaster, Love, Miller, Munford, Murray, M'Elroy, M'Kee, M'Millan, Noland, J. Patterson, Payne, Phillips, N. P. Porter, Prewitt, Sandford, Scott, Shacklett, Spillman, Stevenson, Stone Townsends, Wakefield, Warfield, Watkins, Wickliffe, Williams and Woods—47.

It was then moved and seconded to fill the said blank with two millions of dollars.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Williams and Berry, were as follows, viz.

Yeas—Mr. Speaker, messrs. Allen, Anderson, Bedinger, Blakey, Brents, Calhoun, Cassidy, Chisholm, J. Clark, Craig, Crow, Fletcher, Gaines, Geohegan, Gordon, Hall, Harris, Hughes, King, Lee, Lynch, H. W. Moore, T. P. Moore, Mosley, Mullens, Munford, M'Affee, O'Bannon, Parker, J. Patterson, W. Patterson, O. C. Porter, Prewitt, Rife, Roberts, Rudd, Selby, Shacklett, Shannon, Slaughter, Stevenson, Taylor, Warfield, Watkins, Williams and Winlock—47.

Nays—Messrs. Barnett, Berry, Butler, Caldwell, S. D. Clark, Cooper, Cotton, Cunningham, Emerson, Farrow, Ferguson, French, Garrard, Gerard, Green, Henderson, Hickman, Howard, Lacey, Lancaster, Love, Lyne, Miller,

Murray, M'Elroy, M'Kee, M'Millan, Noland, Payne, Phillips, N. P. Porter, Sandford, Scott, Spillman, Stone, Townsend, Wakefield, Wickliffe and Woods—59.

It was then moved and seconded to fill the first blank in the 14th section, with the sum of two thousand dollars as the salary of the president of said bank.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Townsend and H. W. Moore, were as follows, viz.

Yeas—Mr. Speaker, messrs. Allen, Brents, Calhoun, Chisholm, J. Clark, Fletcher, Gaines, King, T. P. Moore, M'Afee, Rife, Shannon, Slaughter, and Warfield—15.

Nays—Messrs. Anderson, Barnett, Bedinger, Berry, Blakey, Butler, Caldwell, Cassidy, S. D. Clark, Cooper, Cotton, Craig, Crow, Cunningham, Emerson, Farrow, Ferguson, French, Garrard, Gerard, Geohegan, Gordon, Green, Hall, Harris, Henderson, Hickman, Howard, Hughes, Lacey, Lancaster, Lee, Love, Lynch, Lyne, Miller, H. W. Moore, Mosley, Mullens, Munford, Murray, M'Elroy, M'Kee, M'Millan, Noland, O'Bannon, Parker, J. Patterson, W. Patterson, Payne, Phillips, N. P. Porter, O. C. Porter, Prewitt, Roberts, Rudd, Sandford, Scott, Selby, Shacklett, Sharp, Spillman, Stevenson, Stone, Taylor, Townsend, Wakefield, Watkins, Wickliffe, Williams and Woods—70.

It was then moved and seconded to fill the blank with fifteen hundred dollars.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. S. D. Clark and Cassidy were as follows, to wit :

Yeas—Mr. Speaker, messrs. Allen, Anderson, Bedinger, Blakey, Brents, Butler, Calhoun, Cassidy, Chisholm, J. Clark, Crow, Farrow, Fletcher, Gaines, Gerard, Geohegan, Gordon, Green, Hall, Harris, Henderson, Hughes, King, Lee, Love, Miller, T. P. Moore, Mosley, Mullens, Munford, M'Afee, O'Bannon, W. Patterson, N. P. Porter, Rife, Ruffin, Shannon, Sharp, Slaughter, Taylor, Warfield, Watkins and Winlock—44.

Nays—Messrs. Barnett, Berry, Caldwell, S. D. Clark, Cooper, Cotton, Craig, Cunningham, Emerson, Ferguson, French, Garrard, Hickman, Howard, Lacey, Lancaster, Lynch, Lyne, H. W. Moore, Murray, M'Elroy, M'Kee, M'Millan, Noland, Parker, J. Patterson, Payne, Phillips, O. C. Porter, Prewitt, Roberts, Rudd, Sandford, Scott, Selby,

Shacklett, Spillman, Stevenson, Stone, Townsend, Wakefield, Wickliffe, Williams and Woods—44.

Mr. M'Kee from the majority by which the last motion was rejected, moved a re-consideration of said vote.

And the question being taken thereon, it was decided in the affirmative.

The question was again put on filling said blank with 1500 dollars, which was decided in the affirmative.

The yeas and nays being required thereon by messrs. Lancaster and Bedinger, were as follows, viz.

Yeas—Mr. Speaker, messrs. Allen, Anderson, Blakey, Brents, Butler, Calhoun, Cassidy, Chisholm, J. Clark, Crow, Farrow, Fletcher, Gaines, Gerard, Geohegan, Gordon, Green, Hall, Harris, Henderson, Hughes, King, Lee, Love, Miller, H. W. Moore, T. P. Moore, Mosley, Mullens, Munford, M'Affee, M'Kee, O'Bannon, W. Patterson, N. P. Porter, Rife, Ruffin, Shannon, Sharp, Slaughter, Stevenson, Taylor, Warfield, Watkins and Winlock—46.

Nays—Messrs. Barnett, Bedinger, Berry, Caldwell, S. D. Clark, Cooper, Cotton, Craig, Cunningham, Emerson, Ferguson, French, Garrard, Hickman, Howard, Lacey, Lancaster, Lynch, Lyne, Murray, M'Elroy, M'Millan, Noland, Parker, Payne, Phillips, O. C. Porter, Prewitt, Roberts, Rudd, Sandford, Scott, Selby, Shacklett, Spillman, Stone, Townsend, Wakefield, Wickliffe, Williams and Woods—41.

It was then moved and seconded to fill the second blank in said section with 1500 dollars, as the salary of the cashier of said bank.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Roberts and Hickman, were as follows, viz.

Yeas—Mr. Speaker, messrs. Allen, Brents, Butler, Calhoun, J. Clark, Craig, Crow, Fletcher, Gerard, Geohegan, Henderson, Hughes, King, Lee, Love, Phillips, Shannon, Wickliffe and Winlock—20.

Nays—Messrs. Anderson, Barnett, Bedinger, Berry, Blakey, Caldwell, Cassidy, Chisholm, S. D. Clark, Cooper, Cotton, Cunningham, Emerson, Farrow, Ferguson, French, Gaines, Garrard, Gordon, Green, Hall, Harris, Hickman, Howard, Lacey, Lancaster, Lynch, Lyne, Miller, H. W. Moore, T. P. Moore, Mosley, Mullens, Munford, Murray, M'Affee, M'Elroy, M'Kee, M'Millan, Noland, O'Bannon, Parker, J. Patterson, W. Patterson, Payne, N. P. Porter, O. C. Porter, Prewitt, Rife, Roberts, Rudd, Ruffin, Sandford,

Scott, Selby, Shacklett, Sharp, Slaughter, Spillman, Stevenson, Stone, Taylor, Townsend, Wakefield, Warfield, Watkins, Williams and Woods—68.

The said blank was then filled with 1200 dollars.

It was then moved and seconded to fill the blank in the fifteenth section of said bill, with the sum of "*two thousand dollars*," as the highest amount to be loaned to any individual, except to the president and directors of said bank and its branches.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Williams and Ferguson, were as follows, viz.

Yeas—Messrs. Anderson, Butler, J. Clark, Fletcher, Gaines, Gerard, Green, Hall, Lacey, H. W. Moore, T. P. Moore, M'Afee, O'Bannon, Payne, N. P. Porter, Rife, Sandford, Scott, Selby, Shannon and Winlock—21.

Nays—Mr. Speaker, messrs. Allen, Barnett, Bedinger, Berry, Blakey, Brents, Caldwell, Calhoun, Cassidy, Chisholm, S. D. Clark, Cooper, Cotton, Craig, Crow, Cunningham, Emerson, Farrow, Ferguson, French, Garrard, Geohagan, Gordon, Harris, Henderson, Hickman, Howard, Hughes, King, Lancaster, Lee, Love, Lynch, Lyne, Miller, Mosley, Mullens, Munford, Murray, M'Elroy, M'Kee, M'Millan, Noland, Parker, J. Patterson, W. Patterson, Philips, Roberts, Ruffin, Shacklett, Sharp, Slaughter, Stevenson, Stone, Taylor, Townsend, Wakefield, Warfield, Watkins, Wickliffe, Williams and Woods—63.

The said blank was then filled with 1000 dollars, and the second was filled with 2000 dollars, being the amount of the loan permitted to each president and director of said bank and branches.

It was then moved and seconded to fill the blank in the 23th section of said bill, with 8000 dollars, as the amount to be drawn out of the public treasury for the purpose of procuring the plates, paper, &c. to put said bank into operation.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Lyne and Lancaster, were as follows, viz.

Yeas—Mr. Speaker, messrs. Allen, Anderson, Blakey, Brents, Butler, Caldwell, Calhoun, J. Clark, Craig, Crow, Cunningham, Fletcher, Gaines, Gerard, Geohagan, Hall, Henderson, Hughes, King, Lee, H. W. Moore, T. P. Moore,

Mullens, Munford, Murray, M'Afee, J. Patterson, Philips, N. P. Porter, O. C. Porter, Prewitt, Rife, Roberts, Ruffin, Sandford, Scott, Selby, Shannon, Sharp, Slaughter, Taylor, Watkins and Winlock—44.

Nays—Messrs. Barnett, Bedinger, Berry, Cassidy, Chisholm, S. D. Clark, Cooper, Cotton, Emerson, Farrow, Ferguson, French, Garrard, Gordon, Green, Harris, Hickman, Howard, Lacey, Lancaster, Love, Lynch, Lyne, Miller, Mosley, M'Elroy, M'Kee, M'Millan, Noland, O'Bannon, Parker, W. Patterson, Payne, Rudd, Shacklett, Spillman, Stevenson, Stone, Townsend, Wakefield, Warfield, Wickliffe, Williams and Woods—44.

The said blank was then filled with 7000 dollars.

It was then moved and seconded to fill the blank in the 36th section of the bill, with \$2,000,000, as the greatest amount of notes to be issued, and debts to be contracted by said bank previous to the next meeting of the legislature.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Townsend and Williams, were as follows, viz.

Yeas—Mr. Speaker, messrs. Allen, Anderson, Bedinger, Berry, Blakey, Brents, Caldwell, Calhoun, Cassidy, Chisholm, J. Clark, Cooper, Cotton, Craig, Crow, Cunningham, Emerson, Farrow, Fletcher, Gaines, Gerard, Gordon, Hall, Harris, Henderson, Hughes, King, Lancaster, Lee, Lynch, Lyne, H. W. Moore, T. P. Moore, Mosley, Mullens, Munford, Murray, M'Afee, M'Elroy, O'Bannon, Parker, W. Patterson, O. C. Porter, Prewitt, Rife, Roberts, Rudd, Ruffin, Scott, Selby, Sharp, Slaughter, Taylor, Warfield, Watkins, Williams and Winlock—58.

Nays—Messrs. Barnett, Butler, S. D. Clark, Ferguson, French, Garrard, Green, Hickman, Howard, Lacey, Love, Miller, M'Kee, M'Millan, Noland, J. Patterson, Payne, Philips, N. P. Porter, Sandford, Shacklett, Shannon, Spillman, Stevenson, Stone, Townsend, Wakefield, Wickliffe and Woods—28.

Mr. Shannon then moved to attach to the 14th section, the following words, viz. "*In the paper of the said bank.*"

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Shannon and Garrard, were as follows, viz.

Yeas—Messrs. Barnett, Bedinger, Berry, Caldwell, S. D. Clark, Ferguson, French, Garrard, Gerard, Green, Hick-

man, Howard, Lacey, Lancaster, Love, Lyne, Miller, T. P. Moore, M'Kee, M'Millan, Parker, Philips, Rudd, Sandford, Scott, Selby, Shannon, Spillman, Stevenson, Stone, Townsend, Wakefield, Warfield, Wickliffe and Woods—35.

Nays—Mr. Speaker, messrs. Allen, Anderson, Blakey, Brents, Butler, Calhoun, Cassidy, Chisholm, J. Clark, Cooper, Cotton, Craig, Crow, Cunningham, Emerson, Farrow, Fletcher, Gaines, Geohegan, Gordon, Hall, Harris, Henderson, Hughes, King, Lee, Lynch, H. W. Moore, Mosley, Mullens, Munford, Murray, M'Affee, M'Elroy, Noland, O'Bannon, J. Patterson, W. Patterson, Payne, N. P. Porter, O. C. Porter, Prewitt, Rife, Roberts, Ruffin, Shacklett, Sharp, Slaughter, Taylor, Watkins, Williams and Winlock—53.

Mr. Miller then moved to add to the 15th section of said bill the following proviso, viz.

Provided however, That no one individual shall at any one time be indebted to the mother bank or any of its branches, in a greater sum than \$1000; nor any officer or director of the mother bank or its branches, shall be indebted at any one time to the mother bank or any of its branches, in a larger sum than \$2000.

And the question being taken on agreeing thereto, it was decided in the negative.

The yeas and nays being required thereon by messrs. Miller and Lancaster, were as follows, to wit:

Yeas—Messrs. Barnett, Bedinger, Caldwell, Craig, Emerson, Ferguson, Garrard, Henderson, Hickman, Howard, Lancaster, Miller, Murray, M'Kee, M'Millan, J. Patterson, Payne, Philips, Roberts, Sandford, Scott, Shacklett, Shannon, Stevenson, Stone, Townsend, Wakefield, Warfield, Wickliffe and Woods—50.

Nays—Mr. Speaker, messrs. Allen, Anderson, Berry, Blakey, Brents, Butler, Calhoun, Cassidy, Chisholm, J. Clark, S. D. Clark, Cooper, Cotton, Crow, Cunningham, Farrow, Fletcher, Gaines, Gerard, Geohegan, Gordon, Green, Hall, Harris, Hughes, King, Lacey, Lee, Lynch, Lyne, H. W. Moore, T. P. Moore, Mosley, Mullens, Munford, M'Affee, M'Elroy, Noland, O'Bannon, Parker, W. Patterson, N. P. Porter, O. C. Porter, Prewitt, Rife, Rudd, Ruffin, Selby, Sharp, Slaughter, Taylor, Watkins, Williams and Winlock—55.

It was then moved and seconded at fifteen minutes past 3 o'clock, P. M. that this house do adjourn.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Garrard and Scott, were as follows, viz.

Yeas—Messrs. Barnett, Bedinger, Butler, S. D. Clark, Cotton, Craig, Ferguson, French, Gaines, Garrard, Howard, Lacey, Lyne, Miller, Murray, M'Kee, Noland, J. Patterson, Payne, Phillips, N. P. Porter, Prewitt, Sandford, Scott, Selby, Shannon, Spillman, Stevenson, Stone, Wakefield and Warfield—31.

Nays—Mr. Speaker, messrs. Allen, Anderson, Berry, Blakey, Brents, Caldwell, Calhoun, Cassidy, Chisholm, J. Clark, Cooper, Crow, Cunningham, Emerson, Farrow, Fletcher, Gerard, Geohégan, Gordon, Green, Hall, Harris, Henderson, Hickman, Hughes, King, Lancaster, Lee, Love, Lynch, H. W. Moore, T. P. Moore, Mosley, Mullens, Munford, M'Affee, M'Elroy, M'Millan, O'Bannon, W. Patterson, O. C. Porter, Rife, Roberts, Rudd, Ruffin, Shacklett, Sharp, Slaughter, Taylor, Townsend, Watkins, Williams Winlock and Woods—55.

It was then moved and seconded at half past 3 o'clock, p. m. that this house do adjourn.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Garrard and Gordon, were as follows, viz.

Yeas—Messrs. Barnett, Butler, S. D. Clark, Ferguson, French, Garrard, Green, Howard, Lacey, Miller, Murray, M'Kee, Noland, J. Patterson, Payne, Piercy, Phillips, N. P. Porter, Prewitt, Sandford, Scott, Selby, Shannon, Stevenson, Stone, Wakefield and Warfield—27.

Nays—Mr. Speaker, messrs. Allen, Anderson, Bedinger, Berry, Blakey, Brents, Caldwell, Calhoun, Cassidy, Chisholm, J. Clark, Cooper, Cotton, Crow, Cunningham, Emerson, Farrow, Fletcher, Gaines, Gerard, Geohégan, Gordon, Hall, Harris, Henderson, Hughes, King, Lancaster, Lee, Love, Lynch, Lyne, H. W. Moore, T. P. Moore, Mosley, Mullens, Munford, M'Affee, M'Elroy, M'Millan, O'Bannon, Parker, W. Patterson, O. C. Porter, Rife, Roberts, Rudd, Ruffin, Shacklett, Sharp, Slaughter, Spillman, Taylor, Townsend, Watkins, Wickliffe, Williams, Winlock and Woods—60.

The question was then taken on the passage of the bill, which was decided in the affirmative.

The yeas and nays being required thereon by messrs. Noland and Cassidy, were as follows, viz.

Yeas—Mr. Speaker, messrs. Allen, Anderson, Berry, Blakey, Brents, Calhoun, Cassidy, Chisholm, J. Clark, Cock-erill, Cooper, Cravens, Crow, Cunningham, Emerson, Far-row, Fletcher, Gaines, Gerard, Geohegan, Gordon, Hall, Harris, Henderson, Hughes, King, Lee, Lynch, H. W. Moore, T. P. Moore, Mosley, Mullens, Munford, M'Afee, M'Elroy, O'Bannon, J. Patterson, W. Patterson, N. P. Porter, O. C. Porter, Rife, Roberts, Rudd, Ruffin, Selby, Shacklett, Sharp, Slaughter, Taylor, Warfield, Watkins, Williams and Winlock—54.

Nays—Messrs. Barnett, Bedinger, Bray, Butler, Caldwell, S. D. Clark, Cotton, Craig, Ferguson, French, Garrard, Green, Hickman, Howard, Hunter, Lacey, Lancaster, Love, Lyne, Miller, Murray, M'Kee, M'Millan, Noland, Parker, Payne, Piercy, Philips, Prewitt, Sandford, Scott, Shannon, Spillman, Stevenson, Stone, Todd, Townsend, Wakefield, Wickliffe, and Woods—40.

Resolved, That the title of the bill be as aforesaid.

Ordered, That Mr. Brents carry the said bill to the senate and request their concurrence.

And then the house adjourned.

MONDAY, NOVEMBER 13, 1820.

The Speaker of this house being absent, the house proceeded to the election of a speaker *pro tem*.

Mr. Rudd nominated Mr. Robert B. M'Afee; and Mr. Wickliffe Mr. Thomas C. Howard; and upon taking the vote, it stood thus:

For Mr. M'Afee—Messrs. Allen, Anderson, Bedinger, Berry, Blakey, Brents, Calhoun, Cassidy, Cooper, Cravens, Crow, Cunningham, Emerson, Farrow, Gaines, Gordon, Harris, King, Lancaster, Lee, Lynch, Lyne, H. W. Moore, Mosley, Mullens, Munford, Murray, M'Elroy, O. C. Porter, Rife, Roberts, Rudd, Ruffin, Selby, Sharp, Slaughter, Taylor, Townsend, Wakefield, Watkins, Williams and Winlock—41.

For Mr. Howard—Messrs. Barnett, Butler, Cotton, Ferguson, Fletcher, French, Garrard, Henderson, Hickman, Hunter, Lacey, Love, M'Kee, Noland, O'Bannon, Parker, Philips, Scott, Spillman, Stone, Warfield and Wickliffe—22.

A majority of votes appearing in favor of Mr. Robert B. M'Afee, he was thereupon declared duly elected, and conducted to the chair, from whence he made acknowledgments

for the honor conferred, and recommended the preservation and observance of good order and decorum.

Mr. Howard presented the petition of Green Clay, praying that a law may pass to authorise the surveying certain entries on Virginia land office treasury warrants, west of the Tennessee river.

And Mr. Grundy presented the petition of sundry citizens of Lebanon, Washington county, praying that a law may pass to authorise the appointment of a constable to reside in said town.

Which petitions were severally received, read and referred; the first to the committee for courts of justice; and the second to a select committee of messrs. Grundy, Lancaster, M'Elroy and Warfield, giving said committee leave to report thereon by bill or otherwise.

Mr. Roberts from the select committee to whom was referred a bill to alter the time of holding the Nicholas circuit court, reported the same with an amendment.

Ordered, That the said bill as amended, be laid on the table.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. Harris—1. A bill to amend an act establishing the Prestonsburg academy in Floyd county.

By Mr. Mosley—2. A bill to amend the laws for the punishment of slaves.

And by Mr. Philips—3. A bill altering the mode of summoning jurors in this commonwealth.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second reading of the 1st bill being dispensed with, the same was ordered to be engrossed and read a third time to-morrow.

Ordered, That the public printers forthwith print 150 copies of the third bill for the use of the members of this house.

Mr. Slaughter from the select committee to whom was referred a bill regulating the county courts of this commonwealth, reported the same with an amendment.

Which being twice read, was disagreed to.

Ordered, That the said bill be re-committed to a select committee of messrs. Ferguson, Garrard, Shannon, Warfield, Butler and Howard.

Mr. Hall from the select committee to whom was referred a bill to amend an act entitled an act regulating divorces in

this commonwealth, reported the same with an amendment.
Ordered, That the said bill and amendment be postponed until the first day of March next.

Mr. M'Kee moved the following resolution, viz.

Resolved, That the register of the land office lay before this house copies of all the entries on treasury warrants made for land west of the Tennessee river, with the dates of said entries, whether surveyed or not, and when ; and also, whether the said lands are patented or not, with the dates of the patents.

Which being twice read, was adopted.

The house took up the second and third resolutions reported by the committee for courts of justice on the 28th ultimo, relative to surveying the military lands west of the Tennessee river.

Which being twice read, was concurred in.

Ordered, That said committee prepare and bring in a bill pursuant to the said resolutions.

On the motion of Mr. Calhoun,

Ordered, That leave be given to bring in a bill for the benefit of the heirs of Joseph Barnett, deceased ; and that messrs. Calhoun, Wickliffe, M'Kee and Murray, be appointed a committee to prepare and bring in the same.

And then the house adjourned.

TUESDAY, NOVEMBER 14, 1820.

The Speaker having returned to the house, resumed the chair.

Mr. J. Patterson presented the petition of Alexander M'Coy, praying compensation for services rendered this state in going to Natchez for the purpose of apprehending and bringing to justice a certain Ferrel Davenport, on a charge of murder committed within this state.

Mr. Phillips presented the petition of sundry citizens of this commonwealth, praying that a donation may be made to general Simon Kenton of a sufficiency for his future support, in consideration of his distinguished military services, old age, and extreme poverty.

And Mr. Todd presented the petition of the heirs of Edmund Wooldridge, deceased, praying that they may be authorised to survey and carry into grant certain entries for land lying west of the Tennessee river.

Which petitions were severally received, read and referred ; the first to a select committee of messrs. J. Patterson,

Sandford, J. Clark, Caldwell, Prewitt and Garrard; the second to a select committee of messrs. Philips, Fletcher, S. D. Clark, M'Kee, Wickliffe, Cassidy, Butler and Allen, giving said committees leave to report by bill or otherwise; and the third to the committee for courts of justice.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. Lancaster from the committee of propositions and grievances—1. A bill to add a part of Scott to the county of Owen, and to establish the seat of justice at Heslersville.

By Mr. M'Kee from the committee for courts of justice, as unfinished business of the last session—2. A bill to incorporate the Louisville bridge company.

And by Mr. Hall—3. A bill to prevent the securities of sheriffs within this commonwealth from acting as their deputies.

Which bills were severally received and read the first time; the first was postponed until the first day of June next; and the second and third were ordered to be read a second time.

Mr. Ferguson from the select committee to whom was referred a bill for the benefit of mechanics reported the same with an amendment,

Which being twice read was concurred in.

Ordered, That the said bill as amended, be committed to a committee of the whole house.

Ordered, That Mr. S. D. Clark have leave of absence from the service of this house until Friday next.

Mr. Ferguson from the select committee to whom was referred a bill regulating the county courts of this commonwealth, reported the same without amendment.

The said bill being amended at the clerk's table:

It was then moved and seconded further to amend said bill by adding thereto the following as an additional section, viz.

Be it enacted, That from and after the passage of this act, the justices of the peace in this commonwealth, shall not be entitled to, or receive any fees or compensation for services rendered in civil suits above the sum of five pounds.

And the question being taken on agreeing thereto, it was decided in the negative.

The yeas and nays being required thereon by messrs. Warfield and Crow, were as follows, to wit:

Yeas—Messrs. Bray, Brents, Calhoun, Cooper, Crow, Farrow, French, Gaines, Gerard, Gordon, Howard, Lacey, Love, Lynch, Miller, H. W. Moore, Mosley, Murray, Par-

ker, Roberts, Rudd, Stevenson, Stone, Taylor and Warfield—25.

Nays—Mr. Speaker, messrs. Allen, Anderson, Barnett, Bedinger, Berry, Blakey, Boyd, Butler, Cassidy, Chisholm, Cockerill, Cotton, Craig, Cravens, Cunningham, Emerson, Ferguson, Fletcher, Garrard, Geohegan, Grundy, Hall, Harris, Henderson, Hickman, Hughes, Hunter, King, Lancaster, Lee, Mumford, M'Afee, M'Elroy, M'Kee, Noland, O'Bannon, J. Patterson, W. Patterson, Payne, Piercy, Phillips, O. C. Porter, Prewitt, Ruslin, Sandford, Scott, Selby, Shacklett, Spillman, Todd, Townsend, Wakefield, Wickliffe, Williams and Winlock—56.

The said bill was then amended to read as follows, viz.

§ 1. *Be it enacted by the general assembly of the commonwealth of Kentucky*, That the county courts of each county at their term for the assessment of the levy, a majority of all said justices being present, shall annually select and appoint out of the justices of their respective counties, five justices, whose especial duty it shall be, to hold courts at all their terms, except those for the assessment of the levy: *Provided however*, that three of the said five justices shall form a court: *Provided also*, that whenever it shall be considered by the said five or three justices sitting in court, that any matter presented before them requires a majority of all the justices, they shall have power to direct all the justices of the county to be summoned to the next court.

§ 2. *And be it further enacted*, That for the purpose of carrying into effect the principles of this act, it shall be lawful for a majority of the justices of any county to assemble at any of their terms before the term for the assessment of the levy, and make the first selection or appointment of the five justices required by the first section of this act; which selection or appointment, shall continue in force until the annual appointment above required shall be made at the term for the assessment of the levy.

§ 3. *Be it further enacted*, That all laws authorising appeals from the decisions of justices of the peace to the circuit courts, in sums under fifty dollars, shall be repealed; and all such appeals shall be hereafter granted to the county courts, under the same rules and regulations as appeals in such cases have been heretofore granted to the circuit courts. And the said county courts respectively, shall have full power and jurisdiction to try said cases, and for that purpose, at the request of either party, may direct a jury to be summoned and empannelled for the trial of the same in the same manner as

trials in the circuit courts, and to give judgment and award execution as fully as the circuit courts can do by the laws heretofore in force: *Provided*, that no pleadings in writing shall be necessary in said cases.

§ 4. *Be it further enacted*, That in all cases of appeals hereafter taken from judgments of justices of the peace, either under or over five pounds, shall be taken within twenty days after judgment rendered, and not thereafter.

§ 5. *Be it further enacted*, That no justice shall sit as a member of the county court to try an appeal taken from his own judgement.

The question was then taken on engrossing the said bill as amended, and reading it a third time, which was decided in the negative.

The yeas and nays being required thereon by messrs. Parker and Lancaster, were as follows, viz.

Yeas—Messrs. Allen, Anderson, Barnett, Berry, Boyd, Cassidy, Chisholm, Cockerill, Cooper, Craig, Cravens, Cunningham, Emerson, Farrow, Ferguson, Fletcher, Garrard, Geohegan, Hickman, Hughes, Lancaster, Lee, Lynch, Miller, McElroy, Noland, O'Bannon, W. Patterson, Payne, Piercy, Phillips, O.C. Porter, Roberts, Ruffin, Shacklett, Spillman, Stevenson, Taylor, Todd, Townsend, Wakefield, and Winlock—42.

Nays—Mr. Speaker, messrs. Bedinger, Blakey, Bray, Brents, Butler, Calhoun, Cotton, Crow, French, Gaines, Gerard, Gordon, Grundy, Hall, Harris, Henderson, Howard, Hunter, King, Lacey, Love, H. W. Moore, Mosley, Munford, Murray, McAfee, McKee, Parker, J. Patterson, Prewitt, Rife, Sanford, Scott, Selby, Slaughter, Stone, Warfield, Watkins, Wickliffe and Williams—42.

The house being equally divided, the question for engrossing the bill and reading it a third time was decided in the negative agreeably to the rule of the house.

The Speaker laid before the house a letter from the register of the land office; which was received and read as follows, viz.

KENTUCKY LAND-OFFICE, Nov. 14th, 1820.

SIR,

By the inclosed resolution, the register is directed to make out complete transcripts of all the entries made on treasury warrants on lands west of the Tennessee river, and lay them before the house. I would suggest that those entries are numerous, and generally very lengthy. Considerable time must be consumed in transcribing them; and whether or not an

abstract, giving the name of the person making the entry, the dates, quantity of acres, water courses, withdrawals, and the dates of patents where patents have emanated, will not answer the purpose for which the house require them.

The pleasure of the house is requested to be made known on this subject.

Yours,

A. P. COX, D. C. K. L. O.

Geo. C. Thompson, *Speaker*
of the House of Representatives.

IN THE HOUSE OF REPRESENTATIVES, NOV. 15, 1820.

Resolved, That the register of the land office lay before this house copies of all the entries on treasury warrants made for land west of the Tennessee river, with the dates of said entries, whether surveyed or not, and when ; and also, whether the said lands are patented or not, with the dates of the patents.

Extract, &c. Att. R. S. TODD, C. H. R.

Mr. Brents moved the following resolution, viz.

Resolved, That the register of the land office lay before this house an abstract of all the entries of land west of the Tennessee river on treasury warrants, with the dates of the entries, names of persons, quantity, water course, whether surveyed or not, whether patented or not, and when surveyed, and when patented ; and that the former resolution on this subject be annulled.

Which being twice read, was adopted.

Mr. Lancaster presented the remonstrance of sundry citizens of Washington county against the petition for the formation of a new county out of parts of the counties of Washington, Franklin and Mercer.

Which was received, read and referred to the committee of propositions and grievances.

And then the house adjourned.

WEDNESDAY, NOVEMBER 15, 1820.

Mr. James Patton a member returned to serve in this house from the county of Harrison, appeared, produced a certificate of his election and of his having taken the oaths required by the constitution of the United States, and the constitution and laws of this state, and took his seat.

Mr. Emerson presented the petition of Stephen T. Conn of Wayne county, praying that a law may pass to, authorise

him to appropriate 6000 acres of vacant land for the purpose of furnishing fuel for his salt works in said county.

Mr. Philips presented the petition of Robert Poage, representing that George Rogers Clarke in behalf of the state of Virginia made an entry for 101,920 acres of land west of the Tennessee river, for the purpose of enabling him to carry on an expedition against the hostile Indians; that on the faith, and under the expectation of being remunerated in land out of said entry, Joseph Lindsey, the commissary of purchases for the troops under general Clarke, furnished the troops with provisions and necessaries to a considerable amount, out of his own estate, for which he has received no compensation; that the said Lindsey intermarried with the mother of the petitioner, by which means he has become entitled to receive a portion of the sum due to said Lindsey, and praying compensation in land out of the aforesaid entry.

Which petitions were severally received, read and referred; the first to a select committee of messrs. Emerson, Brents, Calhoun, Hall and Bedinger, giving said committee leave to report thereon by bill or otherwise; and the second to the committee for courts of justice.

Mr. Lancaster from the committee of propositions and grievances, made the following report, viz.

The committee of propositions and grievances have according to order had under consideration the petition of sundry citizens of the counties of Franklin, Washington and Mercer, praying for the formation of a new county out of a part of each of said counties, and have come to the following resolution thereupon, to wit:

Resolved, That the said petition, be rejected.

Which being twice read, was concurred in.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. Garrard from the committee of religion—1. A bill for the relief of Debe Ginnons.

And by Mr. Calhoun—2. A bill for the formation of a new county out of the counties of Ohio, Breckinridge and Grayson.

Which bills were severally received and read the first time, and ordered to be read a second time.

The house took up the amendments proposed by the senate to a resolution from this house providing for the purchase of a set of journals of the legislature,

Which being twice read, was concurred in.

Ordered, That the clerk inform the senate thereof.

The house took up the amendments proposed by the senate to bills from this house of the following titles :

An act to appoint an additional number of justices of the peace in certain counties in this commonwealth ; and an act for the benefit of Mary Neal.

Which being twice read were concurred in.

Ordered, That the clerk inform the senate thereof.

Engrossed bills of the following titles :—1. An act to change the place of holding elections in the precinct in Campbell county ; 2. An act for the relief of Sandford Keen ; 3. An act to amend an act for appropriating the vacant lands in this commonwealth ; 4. An act for the benefit of Jonathan Bozarth ; 5. An act to amend an act reducing into one the several acts for apprehending and securing runaways ; and 6. An act to amend an act entitled an act establishing the Prestonsburg academy in the county of Floyd, approved January 13th, 1820,

Were severally read a third time.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The yeas and nays being required on the passage of the third bill by messrs. Williams and Cockerill, were as follows, viz.

Yeas—Messrs. Allen, Anderson, Berry, Blakey, Brents, Butler, Calhoun, Chisholm, J. Clark, Cockerill, Cooper, Craig, Cunningham, Emerson, Fletcher, Gaines, Gerard, Gordon, Hall, Henderson, King, Lee, Love, Lynch, H. W. Moore, Mosley, Munford, M'Affee, M'Kee, Noland, O'Bannon, Parker, W. Patterson, Piercy, N. P. Porter, O. C. Porter, Rife, Roberts, Rudd, Ruffin, Selby, Shacklett, Sharp, Slaughter, Todd, Townsend, Wakefield, Watkins, Wilcoxson, Williams and Winlock—51.

Nays—Mr. Speaker, messrs. Barnett, Bedinger, Boyd, Bray, Caldwell, Cassidy, Cotton, Crow, Farrow, Ferguson, French, Garrard, Hickman, Hughes, Hunter, Lacey, Lancaster, Lyne, Miller, Mullens, Murray, M'Elroy, J. Patterson, Payne, Philips, Prewitt, Sandford, Scott, Shannon, Spillman, Stevenson, Stone, Taylor, Warfield, and Wickliffe—36.

Ordered, That the clerk carry the said bills to the senate and request their concurrence.

A message from the senate by Mr. Ewing :

Mr. Speaker,

The senate have passed a bill entitled an act providing for

the repairing and improvement of the penitentiary ; in which bill they request the concurrence of this house.

And then he withdrew.

Ordered, That messrs. Green and M'Millan have leave of absence from the service of this house until Thursday next.

A message from the senate by Mr. Dollerhide :

Mr. Speaker,

The senate have passed a bill entitled an act to regulate the town of Somerset ; in which they request the concurrence of this house.

And then he withdrew.

A message from the senate by Mr. Ward :

Mr. Speaker,

The senate have passed bills which originated in this house of the following titles :

An act to authorise the publication of advertisements in the Wasp and Independent Gazette, and Olive Branch ; and an act to provide for the protection of public buildings, with an amendment to the latter bill. And they have passed bills of the following titles : An act to remit certain militia fines ; and an act supplemental to an act forming the county of Perry ; in which amendments and bills they request the concurrence of this house.

And then he withdrew.

The following bills were severally read a second time, viz.—1. A bill to alter the mode of taking in lists of taxable property ; 2. A bill to amend an act entitled an act to amend an act concerning occupying claimants of land ; 3. A bill to provide for the inspection of domestic distilled spirits in the counties of Mason and Jefferson ; 4. A bill to amend an act entitled an act to ascertain and run the division line between the counties of Woodford and Franklin ; 5. A bill to amend an act entitled an act to reduce into one the several acts concerning wills, the distribution of intestates' estates, and the duties of executors and administrators, approved February 4th, 1797 ; 6. A bill for the benefit of Thomas Griffin ; and 7. A bill to amend an act entitled an act reserving certain property from execution, approved February 4th, 1815.

The first bill was laid on the table until the first day of June next ; the third was committed to a select committee of messrs. Ferguson, Todd, Philips and Warfield ; the fifth to the committee for courts of justice ; and the seventh to a select committee of messrs. Shannon, M'Affee, Noland, Brents, Wickliffe and J. Clark ; the fourth and sixth were severally

ordered to be engrossed and read a third time ; the sixth on to-morrow.

The yeas and nays being required on postponing the first bill until the first day of June next by messrs. Noland and Cassidy, were as follows, viz.

Yeas—Mr. Speaker, messrs. Barnett, Boyd, Bray, Brents, Butler, Caldwell, Calhoun, Chisholm, Cotton, Ferguson, Garrard, Gerard, Grundy, Henderson, Hickman, Hughes, Hunter, King, Lee, Love, Lyne, Miller, H. W. Moore, Munford, Murray, M'Alce, M'Kee, J. Patterson, Patton, Payne, Piercy, Phillips, N. P. Porter, Sandford, Scott, Shacklett, Shannon, Slaughter, Spillman, Stevenson, Stone, Taylor, Todd, Townsend, Watkins and Wickliffe—47.

Nays—Messrs. Allen, Anderson, Bedinger, Berry, Blakey, Cassidy, J. Clark, Cockerill, Cooper, Craig, Cravens, Crow, Cunningham, Emerson, Farrow, Fletcher, French, Gaines, Gordon, Hall, Harris, Lacey, Lancaster, Lynch, Mosley, Mullens, M'Elroy, Noland, Parker, W. Patterson, O. C. Porter, Prewitt, Rife, Roberts, Rudd, Ruffin, Selby, Sharp, Wakefield, Warfield, Wilcoxson, Williams and Winlock—43.

It was then moved and seconded to lay the second bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Mosley and Warfield, were as follows, viz.

Yeas—Mr. Speaker, messrs. Anderson, Barnett, Boyd, Butler, Caldwell, Calhoun, J. Clark, Cotton, Gordon, Grundy, Hall, Hunter, Love, Miller, H. W. Moore, M'Alce, M'Kee, Noland, J. Patterson, Payne, N. P. Porter, Ruffin, Sandford, Scott, Spillman, Stevenson, Stone, Townsend, Wakefield, Watkins and Wickliffe—32.

Nays—Messrs. Allen, Bedinger, Berry, Blakey, Bray, Brents, Cassidy, Chisholm, Cockerill, Cooper, Craig, Cravens, Crow, Cunningham, Emerson, Farrow, Ferguson, Fletcher, French, Gaines, Garrard, Gerard, Harris, Henderson, Hickman, Hughes, King, Lacey, Lancaster, Lee, Lynch, Lyne, Mosley, Mullens, Munford, Murray, M'Elroy, O'Bannon, Parker, W. Patterson, Patton, Piercy, Phillips, O. C. Porter, Prewitt, Rife, Roberts, Rudd, Shacklett, Shannon, Sharp, Slaughter, Taylor, Warfield, Wilcoxson, Williams and Winlock—57.

An amendment being offered to said bill :

Ordered, That the said bill and amendment be committed to a committee of the whole house.

And thereupon the rule of the house, constitutional provision, and third reading of the fourth bill being dispensed with, and the same being engrossed :

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Stevenson carry the said bill to the senate and request their concurrence.

Mr. McKee read and laid on the table the following resolutions, viz.

WHEREAS many of the citizens of this commonwealth, allured by the prospect of increasing their wealth or procuring a more desirable home for themselves or their posterity which the uninterrupted growth of the western country presented to activity and enterprise, became purchasers of the public lands of the United States under a well founded confidence that the earnings of honest labor, the profits of fair trade or the sale of their other property, would speedily enable them to fulfil their engagements to the public : Whereas the unexpected depression in the price of labor and of property, the stagnation of trade, and the derangement of the local currency in the western states rendering it unfit for the payment of dues at the several land offices, have darkened the fairest prospects, deprived the public debtors of the power to fulfil engagements made in good faith and thrown upon them and their country an accumulated load of debt and distress which no foresight could avert and no exertion can remove : Whereas, in addition to all these events, the congress of the United States have by the act of April, 1820, reducing the price of public lands, deprived the debtors of their last resource and rendered them unable to sell any part of their purchases and thereby raise the means to fulfil their engagements : By which events and act, the said purchasers are in danger not only of forfeiting their whole purchases, but of losing the money already paid, and are reduced to the humble necessity of resigning themselves to their fate or soliciting indulgence for an indefinite period at the hand of their government, with expence to themselves and injury to their country : And whereas, it is not the interest or policy of a free government to push the citizen beyond his ability nor rigidly exact a forfeiture of his property when such penalty is neither merited by any wilful delinquency nor useful in affording a salutary public example, it is, in the opinion of this general assembly, the duty of the congress of the United States, as it is within their power, to

relieve the purchasers of public lands from this oppressive debt on terms equitable to them and just to the government:—
Wherefore,

Resolved by the Senate and House of Representatives of the Commonwealth of Kentucky, That our senators in congress be instructed, and our representatives requested to use their exertions to procure the passage of a law permitting the purchasers of public lands at private sale to apply the instalments already paid to the payment in full for such portion of their purchases as such instalments may be adequate to pay for, at the price of two dollars per acre, and to relinquish the balance of their purchases to the United States.

Resolved, That the governor of this commonwealth be, and he is hereby requested to forward a copy of the foregoing preamble and resolution to each of our senators and representatives in the congress of the United States.

Resolved, That our senators and representatives in congress be, and they are hereby requested to present the foregoing preamble and resolution to the senate and house of representatives of which they are members.

Mr. Payne read and laid on the table the following resolution, viz.

WHEREAS it is represented to the present general assembly, that many negroes and persons of color, the property of citizens of this commonwealth, have escaped from their lawful owners into the province of Canada, and are there protected from recaption by the subjects of his majesty the King of Great Britain, residing in said province of Canada: And whereas, the practice of concealing and countenancing slaves that thus escape from their lawful owners, tends greatly to the injury of the people of this state, and if persevered in, may lead to unhappy consequences between the subjects of his said majesty's government and the citizens of the United States:

Resolved, therefore, That it is the opinion and desire of the present general assembly, that the government of the United States invite the attention of the British Government to this subject, and if practicable procure arrangements to be made on the part of that government for the restoration of such fugitive slaves as shall have heretofore escaped or may hereafter escape from their lawful owners (being citizens of the United States) into any of his said Majesty's North American Dominions. And the governor is requested to transmit to the Executive of the United States, and to each of the senators and representatives in congress from this state, copies of the foregoing resolution.

And then the house adjourned.

THURSDAY, NOVEMBER 16, 1820.

A message from the senate by Mr. Roper :

Mr. Speaker,

The senate have passed bills which originated in this house of the following titles :

An act for the relief of Sandford Keene ; an act to change the place of holding elections in the precinct in Campbell county ; and an act to amend an act entitled an act establishing the Prestonsburg academy in the county of Floyd, approved January 19th, 1820.

And then he withdrew.

The Speaker laid before the house a letter from Cuthbert Bullitt, Esq. a member of this house from the county of Shelby, announcing a resignation of his seat therein ; which was received and read as follows, viz.

To the Honorable the Speaker of the House of Representatives.
SIR,

In consequence of the state of my health I regret that I am unable to serve longer in the highly respectable body of which I have had the honor to be a member. You will, therefore, please consider this as my resignation, and accept for yourself and the honorable body over which you preside, my highest respect and regard.

CUTHBERT BULLITT

November 15th, 1820.

Ordered, That a writ of election issue to the said county of Shelby for the election of one representative in the room of Mr. Bullitt ; and that said election be held on Monday next, the 20th instant.

Mr. Warfield from the joint committee of enrolments, reported that the committee had examined enrolled bills and resolutions of the following titles :

An act to appoint an additional number of justices of the peace in certain counties in this commonwealth ; an act for the benefit of Mary Neal, Mary Webb and Andrew Lore ; an act adding a small part of Owen county to the county of Franklin ; an act to authorise the publication of advertisements in the Wasp and Independent Gazette, and the Olive Branch ; a resolution providing for the purchase of a set of journals of the legislature ; and a resolution to appoint a joint committee to enquire into the necessity of providing

for the safekeeping of the public arms and offices for the adjutant and quarter-master generals.

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

Ordered, That Mr. Warfield inform the senate thereof.

Mr. Ferguson presented the petition of sundry citizens of Louisville and Jefferson county, praying that a law may pass authorising the establishment of a public hospital in Louisville, and a donation out of the public treasury to effectuate that object.

Mr. Payne presented the petition of Thomas Worland, administrator with the will annexed of the estate of Arthur O'Neal, deceased, praying that a law may pass to authorise the sale of a part of the real estate of said decedant, for the purpose of discharging the debts due by said estate.

Mr. Shannon presented the petition of the administrators and widow of Daniel Talbot, deceased, praying that a law may pass to authorise the sale of a part of the real estate of said decedant, for the purpose of paying the debts due by said estate.

Mr. Hickman presented the petition of the heirs and representatives of Henry Talbot, deceased, praying that a law may pass to confirm the sale of certain slaves devised to said heirs by the testator, an equal division having become impracticable; and that the money arising from said sale, be equally divided between said heirs.

And Mr. Shannon presented the petition of sundry citizens of this commonwealth, praying that a donation may be made to general Simon Kenton, in consideration of his military services in the early settlement of this state, his present abject poverty and inability to support himself.

Which petitions were severally received, read and referred; the first to a select committee of messrs. Ferguson, Butler, Bray, Wakefield, Murray and Cotton; the fourth to a select committee of messrs. Hickman, Garrard, Hughes, J. Clark and Brents, giving said committees leave to report thereon by bills or otherwise; and the second, third and fifth to the committee for courts of justice.

Mr. Garrard from the select committee to whom was referred a bill to provide for the inspection of domestic distilled spirits in the counties of Mason and Jefferson, reported the same without amendment.

Ordered, That the said bill be postponed until the first day of June next.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. Butler—1. A bill for the relief of London Ferril and Rhoda his wife.

By Mr. Farrow—2. A bill to amend the militia law.

Which bills were severally received and read the first time; and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision, and second and third readings of the first bill being dispensed with, and the same being engrossed :

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Butler carry the said bill to the senate and request their concurrence.

Leave was given to bring in the following bills :

On the motion of Mr. Garrard—1. A bill to improve the navigation of the Ohio river at the falls of said river.

On the motion of Mr. Miller—2. A bill to amend an act entitled an act directing certain surveyors to transcribe certain entry books, approved February 12th, 1829.

On the motion of Mr. Ferguson—3. A bill to amend the act to establish a turnpike road from Louisville to Portland and Shippingport.

On the motion of Mr. Hall—4. A bill to amend an act entitled an act to reduce into one the several acts concerning mill-dams and other obstructions in water courses.

And on the motion of Mr. Lacey—5. A bill to amend the laws concerning public roads.

Messrs. Garrard, Ferguson, M'Kee, Miller and M'Affee, were appointed a committee to prepare and bring in the first; messrs. Miller, Ferguson, Woods and Wickliffe, the second; messrs. Ferguson, Piercy, Love, Lancaster and Townsend, the third; messrs. Hall, Winlock, Watkins, Blakey and Brents, the fourth; and messrs. Lacey, S. D. Clark, Caldwell, Craig, Hall and Philips, the fifth.

Ordered, That Mr. Wickliffe have leave of absence from the service of this house until Thursday next.

The house took up the amendments proposed by the senate to a bill from this house entitled an act to provide for the protection of public buildings.

Which being twice read were concurred in.

Ordered, That Mr. M'Affee inform the senate thereof.

An engrossed bill entitled an act for the benefit of Thomas Griffin.

Was read a third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. M^aAfee carry the said bill to the senate and request their concurrence.

It was then moved and seconded at 40 minutes past 11 o'clock, A. M. that this house adjourn.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Cooper and Gordon, were as follows, viz.

Yeas—Messrs. Barnett, Butler, Caldwell, Chisholm, J. Clark, Craig, Cravens, Crow, Cunningham, Gerard, Gordon, Hall, Hickman, Lacey, Love, Lyne, M^aAfee, O'Bannon, Parker, Patton, N. P. Porter, Prewitt, Sandford, Selby, Shannon, Spillman, Stone, Watkins, Wilcoxson, Winlock and Woods—51.

Nays—Mr. Speaker, messrs. Bedinger, Berry, Boyd, Bray, Cassidy, Cockerill, Cooper, Cotton, Emerson, Farrow, Ferguson, Garrard, Geohegan, Grundy, Harris, Hunter, King, Lancaster, Lynch, Munford, Noland, Payne, Piercy, Phillips, Roberts, Shacklett, Sharp, Townsend, Wakefield and Williams—51.

After proceeding to other business :

The house then adjourned.

FRIDAY, NOVEMBER 17, 1826.

Mr. Murray presented the petition of sundry citizens of Breckinridge and Daviess counties, praying for the formation of a new county out of a part of each of said counties.

And the petitions of sundry citizens of said counties counter thereto.

Mr. Scott presented the petition of sundry citizens of Galatin county, praying that a small part of said county may be added to the county of Boone.

Mr. M^aKee presented the petition of the county court of Whitley county, praying that a law may pass to authorise them to convey their seminary lands in pursuance of a sale thereof made by their agent.

And Mr. Bedinger presented the petition of James Ellis of Ellisville, Nicholas county, praying that a law may pass to grant him compensation for erecting a jail and building a stray pen when the seat of justice of Nicholas county was fixed at Ellisville, from whence it has since been removed without his consent.

Which petitions were severally received, read and referred; the 1st, 2d, 3d and 5th, to the committee of propositions and grievances; and the fourth to the committee for courts of justice.

Mr. Todd moved the following resolution, viz.

Resolved, by the House of Representatives, That the door-keeper be directed to have a chimney built in the north-east end of the lobby, for the purpose of holding the ends of the stove-pipes; and when the governor shall approve the same, that he be requested to direct the auditor to issue his warrant to the treasurer for payment.

Which being twice read, was adopted.

Ordered, That messrs. French and Crow have leave of absence from the service of this house until Monday next; and Mr. Garrard until Tuesday next.

Mr. Lancaster from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles:

An act for the relief of Sandford Keene; an act to change the place of holding elections in the precinct in Campbell county; and an act to amend an act entitled an act establishing the Prestonsburg academy in the county of Floyd, approved January 15th, 1820,

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

Ordered, That Mr. Lancaster inform the senate thereof.

Ordered, That Mr. French be excused from, and Mr. Fletcher be added to the joint committee appointed under a resolution for appointing a joint committee to confer with the proprietors of the Fayette Hospital, and for other purposes.

Ordered, That messrs. Ferguson and Rudd be added to the committee appointed to prepare and bring in a bill to reduce magistrates' fees.

A bill to add a part of Casey county to the county of Mercer, was read a second time, and committed to the committee of propositions and grievances; together with a letter addressed to the speaker of this house from the county of Casey on the subject of said bill.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. Ferguson—1. A bill to amend an act to establish a turnpike road from Louisville to Portland and Shippingport.

By Mr. Emerson—2. A bill for the benefit of Stephen T. Conn.

By Mr. Grundy—3. A bill allowing a constable in the town of Lebanon.

By Mr. Hall—4. A bill to amend an act entitled an act to reduce into one the several acts concerning mill-dams and other obstructions in water courses.

And by Mr. Miller—5. A bill to amend an act entitled an act directing certain surveyors to transcribe certain entry books, approved February 12, 1820.

Which bills were severally received and read the first time, and ordered to be read a second time.

The house took up the preamble and resolutions laid on the table on the 15th instant by Mr. M'Kee, which being twice read:

The question was then put on adopting the first resolution, which was decided in the affirmative.

The yeas and nays being required thereon by messrs. N. P. Porter and Chisholm, were as follows, to wit:

Yeas—Mr. Speaker, messrs. Bedinger, Boyd, Butler, Cassidy, Chisholm, J. Clark, Cockerill, Cooper, Cotton, Cravens, Cunningham, Emerson, Fletcher, Gordon, Hall, Hickman, Hunter, King, Lacey, Love, Lynch, Miller, H. W. Moore, T. P. Moore, Mullens, Mumford, Murray, M'Affee, M'Elroy, J. Patterson, Patton, Payne, Piercy, Ruffin, Selby, Spillman, Taylor, Todd, Wakefield, Watkins, Wilcoxson, Williams and Woods—44.

Nays—Messrs. Anderson, Barnett, Blakey, Bray, Caldwell, Craig, Geohegan, Grundy, Noland, O'Bannon, N. P. Porter, Prewitt, Roberts, Shacklett, Stevenson and Townsend—16.

The remaining resolutions and preamble were then adopted.

Ordered, That Mr. M'Kee carry the said preamble and resolutions to the senate and request their concurrence.

It was then moved and seconded at half past 11 o'clock, A. M. that this house adjourn.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Cravens and Ferguson, were as follows, viz.

Yeas—Mr. Speaker, messrs. Allen, Berry, Butler, Caldwell, Chisholm, J. Clark, Cotton, Craig, Fletcher, Gerard, Gordon, Hickman, Love, Lynch, H. W. Moore, Mullens, M'Affee, J. Patterson, Sandford, Scott, Sharp, Spillman, Todd and Winlock—25.

Nays—Messrs. Anderson, Barnett, Bedinger, Blakey, Bray, Cassidy, Cooper, Cravens, Cunningham, Emerson, Ferguson, Geohegan, Grundy, Hall, Harris, Hunter, Lacey, Munford, Murray, M'Elroy, Noland, Payne, Piercy, Philips, N. P. Porter, Prewitt, Roberts, Selby, Shacklett, Stevenson, Taylor, Townsend, Wakefield, Watkins and Williams—36.

Mr. J. Patterson from the select committee appointed for that purpose, reported a bill for the relief of Alexander M'Coy ; which was received and read the first time.

And then the house adjourned.

SATURDAY, NOVEMBER 18, 1820.

Ordered, That messrs. Prewitt, Gordon, Berry and Stone, have leave of absence from the service of this house until Monday next ; messrs. Mullens, H. W. Moore and Gaines, until Tuesday next ; and messrs. Allen, Barnett and Farrow, until Wednesday next.

Mr. Cotton presented the petition of John Scott of Nelson county, praying to be divorced from his wife Sally Scott.

Mr. Cassidy presented the petition of Rodham Kenner, praying to be divorced from his wife Sarah Fox Kenner.

And Mr. Shacklett presented the petition of James Park, praying that a law may pass to alter the number of the lots on cross street in the town of Elizabethtown.

Which petitions were severally received, read and referred ; the first and second to the committee of religion ; and the third to a select committee of messrs. Shacklett, Geohegan, Fletcher and Hall, giving said committee leave to report thereon by bill or otherwise.

Leave was given to bring in the following bills :

On the motion of Mr. Murray—1. A bill for the relief of Highlia King.

And on the motion of Mr. Sharp—2. A bill for the benefit of the seminary in Whitley county.

Messrs. Murray, Brents, M'Affee and T. P. Moore, were appointed to prepare and bring in the former ; and messrs. Sharp, Philips, Love and Craig, the latter bill.

Mr. Hall moved for leave to bring in a bill to amend the revenue laws of this commonwealth for the purpose of laying a tax on the slaves of this state, to create a fund for paying for slaves hereafter executed for crimes.

And the question being taken on granting leave to bring in said bill, it was decided in the negative, and so the said motion was rejected.

The yeas and nays being required thereon by messrs Piercy and Roberts, were as follows, viz.

Yeas—Mr. Speaker, messrs. Anderson, Bedinger, Blakey, Bray, Cassidy, Chisholm, Cockerill, Cooper, Craig, Cravens, Cunningham, Gaines, Hall, Harris, Hickman, Lacey, Lee, Mosley, Munford, Noland, J. Patterson, W. Patterson, Piercy, N. P. Porter, O. C. Porter, Roberts, Sandford, Scott, Selby, Sharp, Taylor, Watkins and Winlock—34.

Nays—Messrs. Boyd, Brents, Butler, Caldwell, Calhoun, J. Clark, Cotton, Emerson, Ferguson, Fletcher, Gerard, Geohagan, Grundy, Henderson, Hunter, King, Lancaster, Love, Lynch, Miller, T. P. Moore, Murray, M'Elroy, O'Bannon, Parker, Payne, Rife, Rudd, Ruslin, Shacklett, Slaughter, Spillman, Todd, Townsend, Wakefield, Wilcoxson, Williams and Woods—38.

A message from the governor by Mr. Breckinridge, his secretary:

Mr. Speaker,

The governor did on yesterday approve and sign enrolled bills and resolutions which originated in this house of the following titles:

An act adding a small part of Owen county to the county of Franklin.

An act to authorise the publication of advertisements in the Wasp and Independent Gazette, and Olive Branch.

An act for the benefit of Mary Neal, Mary Webb and Andrew Lore.

An act to appoint an additional number of justices of the peace in certain counties in this commonwealth.

A resolution providing for the purchase of a set of the journals of the legislature.

A resolution to appoint a joint committee to enquire into the necessity of providing for the safekeeping of the public arms and offices for the adjutant and quarter-master generals.

And then he withdrew.

Ordered, That Mr. Lancaster inform the senate thereof.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. Brents from the committee for courts of justice—1. A bill for surveying the military land west of the Tennessee river.

By Mr. Calhoun—2. A bill for the benefit of the heirs of Joseph Barnett, deceased.

And by Mr. Sharp—3. A bill for the benefit of the seminary in Whitley county.

Which bills were severally received and read the first time, and ordered to be read a second time.

Mr. Boyd moved for leave to bring in a bill to repeal the law appropriating fines and forfeitures, approved February the 14th 1820, and revive the former law on that subject.

And the question being taken on granting said leave, it was decided in the negative, and so the said motion was rejected.

The yeas and nays being required thereon by messrs. Noland and Cassidy, were as follows, to wit :

Yeas—Messrs. Boyd, Brents, Cockerill, Cooper, Cotton, Craig, Emerson, Grundy, King, Lynch, Mosley, Noland, W. Patterson, Piercy, N. P. Porter, O. C. Porter, Roberts, Selby, Taylor and Williams—20.

Nays—Mr. Speaker, messrs. Anderson, Bedinger, Blakey, Bray, Butler, Caldwell, Calhoun, Cassidy, Chisholm, J. Clark, Cravens, Cunningham, Ferguson, Fletcher, Gerard, Geohagan, Hall, Harris, Henderson, Lacey, Lancaster, Lee, Love, Lyne, Miller, T. P. Moore, Munford, Murray, M'Ehoy, Parker, J. Patterson, Payne, Phillips, Rife, Ruffin, Sandford, Scott, Shacklett, Shannon, Spillman, Todd, Townsend, Wakefield, Watkins and Woods—46.

The house took up a bill for the benefit of Alexander M'Coy.

Ordered, That the said bill be read a second time.

And thereupon the rule of the house, constitutional provision and second reading of said bill being dispensed with, the same was committed to the committee of claims.

The following bills were severally read the second time, viz.—1. A bill to class tobacco ; 2. A bill supplemental to an act entitled an act for the benefit of the Grand Lodge of Kentucky ; and 3. A bill for the relief of the heirs at law of John Walker, deceased.

The first was committed to a select committee of messrs. Ferguson, Howard, Brents, Woods, Miller and Lancaster ; and the second and third ordered to be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision and third reading of the two latter bills being dispensed with, and the same being engrossed :

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Brents carry the said bills to the senate and request their concurrence.

And then the house adjourned.

MONDAY, NOVEMBER 20, 1820.

Mr. Shacklett from the select committee appointed for that purpose, reported a bill authorising the trustees of Elizabethtown to perform certain duties.

Which was received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision, and second and third readings of said bill being dispensed with, and the same being engrossed :

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Shacklett carry the said bill to the senate and request their concurrence.

The amendments proposed by the select committee to a bill to change the time of holding the Nicholas circuit court, were twice read and concurred in.

Ordered, That the said bill as amended, be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision and third reading of said bill being dispensed with, and the same being engrossed :

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The following bills were severally read a second time, viz.—1. A bill for the divorce of sundry persons ; 2. A bill for the benefit of the widow and heirs of John Spurlock, deceased ; 3. A bill for the benefit of the heirs of Peter Grow ; 4. A bill authorising the appointment of viewers to view a way for a road from Danville to the Tennessee state line ; 5. A bill for the benefit of Samuel Teer ; 6. A bill to erect election precincts in Mercer county ; 7. A bill to provide for the safekeeping of the public arms and offices for the adjutant and quarter-master generals ; 8. A bill to amend an act entitled an act to provide for the sale of a part of the public ground in Georgetown ; 9. A bill for the benefit of the heirs of Elijah Broadas, deceased ; 10. A bill to authorise the county court of Mason to appoint an additional constable in the town of Maysville ; 11. A bill for the relief of Taylor Noel ; 12. A bill providing for the payment of debts by instalments ; 13. A bill for the benefit of Cornelius Phillips ; 14. A bill to

amend an act entitled an act incorporating the Union circulating, and Fredericksburg social library companies; 15. A bill for the benefit of the heirs of Fortunatus Dale; 16. A bill to incorporate the Leesburg library company; 17. A bill to amend the laws for the punishment of slaves; 18. A bill altering the mode of summoning jurors in this commonwealth; 19. A bill to establish the Louisville bridge company; 20. A bill to prevent the securities of sheriffs within this commonwealth from acting as their deputies; 21. A bill for the relief of Debe Ginnens; 22. A bill for the formation of a new county out of the counties of Ohio, Breckinridge and Grayson; 23. A bill to amend an act to establish a turnpike road from Louisville to Portland and Shippingport; 24. A bill allowing a constable to the town of Lebanon; 25. A bill to amend an act entitled an act to reduce into one the several acts concerning mill-dams and other obstructions in water courses; 26. A bill to amend an act entitled an act directing certain surveyors to transcribe certain entry books, approved February 12, 1820; 27. A bill for surveying the military lands west of the Tennessee river; 28. A bill for the benefit of the heirs of Joseph Barnett, deceased; and 29. A bill for the benefit of the seminary in Whitley county.

The first was committed to a select committee of messrs. Fletcher, Brents, Garrard, Stevenson, Hall, Lyne, Cassidy and M'Alfee; the fourth to a select committee of messrs. T. P. Moore, Selby, Lancaster, Hall, Green, Brents, Butler, Rife and King; the sixth to a select committee of messrs. T. P. Moore, Green, M'Alfee and Watkins; the seventh to a select committee of messrs. Fletcher, Ferguson, Lancaster, Gerard and Rudd; the tenth to a select committee of messrs. Warfield, M'Alfee, Phillips, S. D. Clark, Lancaster and Cotton; the twelfth to the committee of the whole house on the state of the commonwealth for to-morrow; the seventeenth to a select committee of messrs. Mosley, Lancaster, J. Clark, Fletcher and Calhoun; the eighteenth to the committee of the whole house for Wednesday next; the nineteenth to a select committee of messrs. Miller, Bray, Ferguson, Cotton and Brents; the twentieth to a select committee of messrs. Warfield, Hall, Boyd, Watkins and Murray; the twenty-fifth to a select committee of messrs. Lancaster, Brents, Hall, Munford and Geobegan; the twenty-sixth to a select committee of messrs. Hickman, Warfield, Miller, Ferguson, Garrard and Blakey; and the twenty-seventh to a committee of the whole house for Tuesday next. The 2d, 3d, 5th, 8th, 9th, 11th, 13th, 14th, 15th, 16th, 21st, 22d, 23d, 24th, 28th

and 29th, were severally ordered to be engrossed and read a third time ; the 9th, 11th, 13th, 21st, 22d, 23d and 24th on to-morrow.

And thereupon the rule of the house, constitutional provision and third reading of the 2d, 3d, 5th, 8th, 14th, 15th, 16th, 28th and 29th bills being dispensed with, and the same being engrossed :

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the clerk carry the said bills to the senate and request their concurrence.

A message from the senate by Mr. Jones :

Mr. Speaker,

The senate have passed a bill entitled an act to repeal in part the law giving fees to justices of the peace ; in which bill they request the concurrence of this house.

And then he withdrew.

A message from the senate by Mr. Turner :

Mr. Speaker,

The senate have passed a bill which originated in this house entitled an act for the benefit of Thomas Griffin.

And then he withdrew.

The following bills from the senate were severally read the first time, viz.—1. An act for the benefit of the heirs and representatives of Robert Hindman, deceased ; 2. An act to amend the law limiting the time of bringing suits ; 3. An act allowing an additional number of constables' districts in certain countiss ; 4. An act to repeal in part an act concerning county levies and certain officers' fees, passed February 8, 1815 ; 5. An act to amend an act entitled an act authorising certain justices of the county courts to grant injunctions, writs of ne exeat and habeas corpus, approved February 4th, 1818 ; 6. An act regulating the manner of taxing attorneys' fees ; 7. An act for the benefit of James Hays, sen. and Thomas Hendricks, sen. ; 8. An act for the benefit of the heirs of Robert Coleman and Moses Sharp, deceased ; 9. An act concerning the duties of the register of the land office ; 10. An act for the benefit of Jincy Dodds ; 11. An act declaring Tradewater a navigable stream ; 12. An act for the benefit of Eli Mavell ; 13. An act for the benefit of Ann Edins and Mary Folden ; 14. An act for the establishment of a road from Frankfort to the Ohio river opposite the town of Neville ; 15. An act to alter and extend the terms of the Montgomery circuit court, and to change the time of holding the Bath circuit court ; 16. An act for the benefit of Catharine

Wilkinson ; 17. An act authorising a change of venue in the case of William Chamberlane ; 18. An act providing for the appointment of commissioners to confer with commissioners from Virginia, to fix the point where the road leading from Mountsterling to the Virginia line shall cross it ; 19. An act to establish and regulate the town of Princetown ; 20. An act for the benefit of Philemon Waters ; and 21. An act granting a divorce to Elizabeth Western.

The said bills (with the exception of the sixth, which was laid on the table) were severally ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second reading of the 1st, 4th, 8th, 9th, 10th, 12th, 13th, 15th, 16th, 17th, 18th, 20th and 21st bills being dispensed with, the 1st, 4th, 8th, 9th, 10th, 12th, 13th, 16th, 17th, 18th, 20th and 21st, were severally ordered to be read a third time ; and the 15th was committed to a select committee of messrs. Mosley, Gaines, Farrow, French and Fletcher.

And thereupon the rule of the house, constitutional provision and third reading of the 1st, 4th, 8th, 9th, 10th, 12th, 13th, 16th, 17th, 18th, 20th and 21st bills being dispensed with :

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the clerk inform the senate thereof.

It was then moved and seconded at a quarter past 2 o'clock, P. M. that this house adjourn.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Cockerill and Cooper, were as follows, viz.

Yeas—Messrs. Brents, Butler, Caldwell, Calhoun, Chisholm, Fletcher, Gerard, Green, Love, Lyne, Miller, T. P. Moore, Mosley, Mullens, M'Affee, O'Bannon, Patton, N. P. Porter, Rife, Rudd, Sandford, Scott, Shannon, Slaughter, Spillman, Stevenson, Todd, Wakefield, Warfield, Watkins, Winlock and Woods—32.

Nays—Mr. Speaker, messrs. Anderson, Bedinger, Blakey, Boyd, Bray, Cassidy, S. D. Clark, Cockerill, Cooper, Cotton, Gravens, Cunningham, Emerson, Ferguson, Geohagan, Grundy, Hall, Harris, Henderson, King, Lacey, Lancaster, Lee, Lynch, Munford, Murray, Noland, Parker, J. Patterson, W. Patterson, Payne, Piercy, Prewitt, Roberts, Ruffin, Selby, Shacklett, Sharp, Taylor, Townsend, Wilcoxson and Williams—43.

A motion for a recess of one hour being made :

The house then adjourned.

TUESDAY, NOVEMBER 21, 1820.

Mr. Warfield from the select committee to whom was referred a bill to prevent the securities of sheriffs within this commonwealth from acting as their deputies, reported the same with an amendment.

Which being twice read, was concurred in.

Ordered, That the said bill as amended, be engrossed and read a third time to-morrow.

A message from the senate by Mr. Pope :

Mr. Speaker,

The senate have passed bills of the following titles :—An act for the benefit of the stockholders of the late independent banks ; and an act to repeal in part the act declaring Nolin navigable ; in which bills they request the concurrence of this house.

And then he withdrew.

A message from the senate by Mr. Ward :

Mr. Speaker,

The senate have passed bills which originated in this house of the following titles :

An act to amend an act reducing into one the several acts for apprehending and securing runaways ; an act to amend an act entitled an act to ascertain and run the division line between the counties of Woodford and Franklin ; an act supplemental to an act entitled an act for the benefit of the Grand Lodge of Kentucky ; and an act for the relief of London Ferri and Rhoda his wife.

And then he withdrew.

Mr. M'Millan from the committee of propositions and grievances, made the following report, viz.

The committee of propositions and grievances, have according to order, had under consideration sundry petitions to them referred, and have come to the following resolutions thereupon, to wit :

Resolved, That the petition of sundry citizens of Augusta and Bracken county, praying that a law may pass to authorise the county court of Bracken to cause the road established by the Mason county court through the out lots of said town to be opened, is reasonable.

Resolved, That the petition of sundry citizens of Gallatin county, praying that a part of said county may be added to the county of Boone, is reasonable.

Which being twice read, was concurred in.

Ordered, That the said committee prepare and bring in bills pursuant to said resolutions.

Mr. Butler presented the petition of Joshua Humphreys, administrator of James Hughes, deceased, praying that a law may pass authorising him to resign his administration of said estate, and to provide for the appointment of another in his stead.

Which was received, read, and referred to a select committee of messrs. Butler, Murray, T. P. Moore and Calhoun, giving said committee leave to report thereon by bill or otherwise.

On the motion of Mr. Blakey,

Ordered, That leave be given to bring in a bill to add an additional number of trustees to the Warren seminary; and that messrs. Blakey, Slaughter, Cockerill and Hall, be appointed a committee to prepare and bring in the same.

Ordered, That Mr. Lacey have leave of absence from the service of this house until Friday next.

Mr. Mosley from the select committee to whom was referred a bill from the senate entitled an act to alter and extend the term of the Montgomery circuit court, and to alter the time of holding the Bath circuit court, reported the same with an amendment:

Which being twice read was concurred in.

Ordered, That the said bill as amended, be read a third time.

Mr. Green from the select committee to whom was referred a bill to erect election precincts in Mercer county, reported the same with amendments:

Which being severally twice read, were concurred in.

Ordered, That the said bill as amended, be engrossed and read a third time to-morrow.

Mr. O'Bannon presented further petitions of sundry citizens of Caldwell county for a division of said county.

Which was received, and referred to the committee of propositions and grievances.

Mr. Ferguson from the select committee to whom was referred a bill to incorporate the Louisville bridge company, reported the same with amendments:

Which being severally twice read, were concurred in.

Ordered, That the said bill as amended, be engrossed and read a third time to-morrow.

Engrossed bills of the following titles:—1. An act for the benefit of the heirs of Elijah Broadus, deceased; 2. An act for the relief of Taylor Noel; 3. An act for the benefit of

Cornelius Philips ; 4. An act for the relief of Debe Ginnons ; 5. An act for the formation of a new county out of the counties of Ohio, Breckinridge and Grayson ; 6. An act to amend an act to establish a turnpike road from Louisville to Portland and Shippingport ; and 7. An act allowing a constable in the town of Lebanon,

Were severally read a third time, and the blank in the fifth filled.

Resolved, That the 1st, 2d, 4th, 5th, 6th and 7th bills do pass, and that the titles of the 1st, 2d, 4th, 5th and 6th bills be as aforesaid, and that of the 7th be amended to read, an act authorising the appointment of constables in certain counties.

Ordered, That the clerk carry the said bills to the senate and request their concurrence.

Ordered, That the third bill be recommitted to a select committee of messrs. Brents, Emerson, Watkins and H. W. Moore.

The following bills from the senate were severally read a second time: 1. An act to amend the law limiting the time of bringing suits ; 2. An act allowing an additional number of constables' districts in certain counties ; 3. An act to amend an act entitled an act authorising certain justices of the county courts to grant injunctions, writs of ne exeat and habeas corpus, approved February 4, 1818 ; 4. An act for the benefit of James Hays, sen. and Thomas Hendrick, sen. ; 5. An act declaring Tradewater a navigable stream ; 6. An act to establish and regulate the town of Princeton ; and 7. An act for the establishment of a road from Frankfort to the Ohio river, opposite the town of Neville.

The first was postponed until the first day of March next ; the second, third, fourth, fifth and sixth, (the third being amended) were severally ordered to be read a third time ; and the seventh was committed to a select committee of messrs. Prewitt, J. Patterson, Stevenson, Cassidy, Cockerill, Todd and Rudd.

And thereupon the rule of the house, constitutional provision and third readings of the 2d, 4th and 6th bills being dispensed with :

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the clerk inform the senate thereof.

A message from the governor by Mr. Anderson :

Mr. Speaker,

I am directed by the governor to inform this house that he did on this day approve and sign enrolled bills which originated in this house of the following titles :

An act to change the place of holding elections in the precinct in Campbell county.

An act for the relief of Sandford Keene.

And an act to amend an act entitled an act establishing the Prestonsburg academy in the county of Floyd, approved January 13, 1820.

And to lay before this house a message in writing.

And then he withdrew.

The said message was then taken up and read as follows, viz.

Gentlemen of the Senate

and of the House of Representatives,

I HAVE recently received the enclosed communication from the Governor of Virginia, expressive of the views and sentiments of the Executive of that state, relative to the titles to lands lying south and west of the Tennessee River, and derived from the commonwealth of Virginia prior to the erection of Kentucky into an independent state. The subject is one of peculiar interest, involving the private rights of individuals and tending to affect the faith and harmony of communities heretofore united by mutual interests and generous confidence. Believing that the letter to which I have alluded, whatever may be the strength or legal extent of its claims, is a faithful expression of the opinions of the citizens of Virginia, I have deemed it proper and respectful, to submit it to your consideration. And well-knowing that the Legislature of Kentucky will not hesitate to render justice, where justice is due, I cannot but anticipate in the measures you may adopt, a result satisfactory to all the parties concerned.

I am, Gentlemen,

With due respect, yours,

NOVEMBER 20th, 1820.

JOHN ADAIR.

RICHMOND, OCTOBER 31st, 1820.

SIR—I ask leave to call the attention of your excellency, to the following facts and remarks: Upon the 22d Dec. 1818, the Legislature of Kentucky, made a law prohibiting entries and surveys upon any portion of the land lying within the late Chickasaw Indian boundary, for the extinguishment of the title to which, a treaty had been then recently negotiated on behalf of the United States, and declaring all patents which might issue for such lands under old surveys, to be null and void. Before the year 1779, entries upon Treasury warrants of Virginia, to a considerable extent, had been made for lands lying within those limits. In the month of May, 1779, a very extensive space within the same limits, south and west of the Tennessee River, was appropriated by Virginia with definite boundaries, in addition to former appropriations,

for the fulfilment of certain grants which the state had made for military bounties. Many memorials stating their claims and complaining of the injustice with which they were threatened, have been presented to the executive of Virginia, since the law passed in Kentucky, by citizens of this state and of other states, formerly officers and soldiers of the Virginia line on state establishment, or officers and soldiers of the Virginia Navy, and by the legal representatives of such. All those applications have been at times submitted by the Governor of Virginia to the deliberating branch of the Executive of the state, and he has been advised to communicate with the Governor of Kentucky respecting those claims. Much time has been suffered to pass, while an endeavor was making to acquire additional information on the subject, and to fix some solid and clear points which might direct minds to a ready and accurate judgment upon a question so greatly important, not only as it involves such extensive private interests, but also the harmony and reputation for justice, of two great states. The delay has proved entirely fruitless, notwithstanding a strong desire and very sincere efforts, to make it otherwise. It is not my design to fabricate a law argument upon this question, for your Excellency's consideration. Such an attempt would neither become me nor be acceptable to you, nor prove beneficial to the claimants. I shall satisfy myself with calling your attention to the eighth article of the 5th section of the act concerning the erection of the District of Kentucky into an independent state, passed by the Virginia Legislature on the 18th December, 1789, and with asking you to use your influence with the Legislature of your state, to provide by law for determining this complaint and dispute, in the manner so wisely prescribed by that article, which, with all the stipulations of the same law, became absolutely binding and forever obligatory on the state of Ky. when the terms and conditions of the separation, as stated in the act, were accepted by the convention which assembled by virtue of it. Before the tribunal of the commissioners, as soon as it can be constituted, according [to] the provisions made by the act, all the arguments in favor of the rights of the claimants will no doubt be urged by the ablest counsel which Virginia can employ, & any endeavor on this occasion to set them forth, would plainly be as premature and unnecessary as it would be presumptuous in the person to whose lot it has fallen to make this communication to your Excellency.

If it should then be determined that a right to land could not be invested by a grant, founded merely upon the pre-emp-

tion right held by a state before the transfer of the title to the soil was actually made by the independent Indian tribe, it will no doubt be brought to notice that the word "interest" has been used in the third article of the 5th section aforesaid, to guard against the consequences of such a construction.—While the state of Virginia alone, had the right to purchase the soil from the Indians, and when in fact it was believed that a purchase of it had been made by the colony of Virginia, an engagement to convey a large portion of that soil to individuals, for valuable consideration was made, and upon ceding the jurisdiction, the state stipulated in the plainest manner for the performance of the contract; which stipulation the other party, Kentucky, formally ratified and accepted.

The liberality of Virginia towards Kentucky, displayed in this transaction, deserves particular attention, inasmuch as it is in itself a proof of the mutual intention and understanding on the subject. The remainder of the lands within the limits of the District, appropriated for militia bounties, which had not been actually selected by grantees, and located by the marking around for the guidance of surveyors, previous to 1792, were intentionally left, by suffering that year to pass over without having acted upon the sixth article of the same section, altogether subject to the disposition of the new state. There could have been no motive for this voluntary abandonment of an acknowledged claim; but a conviction that all the private interests which had been given in those lands, would be ultimately pursued to complete titles with the concurrence of Kentucky, to whom Virginia was willing to yield the remainder, in gratitude for the countenance expected to be given to her deserving citizens, who had risked their lives, or whose fathers had lost theirs, in the common defence. The Executive of Virginia has understood, that in an arrangement not long since made between Kentucky and Tennessee, relative to boundary, claims of a similar nature, for military service, were declared sacred, and not to be prejudiced through the means of any alteration in the line between the states, by lapse of time or statute of limitations. The proclamation of the Executive of Virginia in 1785, forbidding further surveys of military warrants, on the appropriated lands south and west of the Tennessee River, could have been no more than a necessary measure of precaution, to save the lives of the many citizens engaged therein, whom the state was unable then to defend against the irritated savages. It was not intended or supposed at the time, that the further pursuit of

the claims to those lands at a safer period, ought or could be effected by that prohibition.

It is true that the congress of the United States by the treaty of Hopewell, made on the 10th day of January, 1786, acknowledged the entire right of soil in the country in question to be in the Chickasaw Indians ; upon the presumption, no doubt, that it had always been in them without any other dispute about it, than that with the Cherokees, which has always been disregarded. Yet the six nations had formerly claimed the whole country, and had actually ceded it to Virginia by a treaty made at Sandusky with the Earl of Dunmore, then governor of the colony, by which Virginia acquired a right to the soil as fully as it ever had been possessed by that confederacy. Should this purchase be proved to the satisfaction of the commissioners, another fact which has very lately transpired will no doubt be brought to notice to show the high probability that the six nations did once actually possess the territory in question, and that the undivided right to the whole soil thereof, was vested in that community according to Indian tenure. In making a vocabulary of the Nottoway language very lately, it has been discovered by those skilled in the Indian tongues, that it is the same, word for word, with that of the Tuscaroras, one of the six nations, and the last admitted into their confederacy. The Nottoways dwell in Southampton county of Virginia, upon the Carolina line in the east, as the territory in question borders upon it in the west. They still possess some considerable surface of soil, the right to which they have never yet conveyed away. If there were regular histories of our Indians, it would very probably be found that a tribe of the six nations had been at some time dispossessed by the Chickasaws, & then a very short chain would form the connexion between the aboriginal title to the soil in question, and that of the persons whom Kentucky threatens now to dispossess. The state of Virginia has no longer any lands to grant. There is but little hope that the United States will suffer land warrants of Virginia displaced by Kentucky from their proper location in the country south and west of the river Tennessee to be again located between the Miami and Scioto. If Kentucky shall persist in vacating the incipiated titles now in question, the claimants must be fully indemnified by Virginia. Honor and gratitude unite to demand indemnity for them ; if justice so plain and unequivocal, could ever need to be so supported. But the money to constitute the indemnity must come from the pockets of the people of Virginia alone, while the services to be

compensated, were in fact equally rendered for the benefit of the people of Kentucky, as the period of them was before the separation. We confidently trust that the legislature of Kentucky will not take a step which would thus have the effect of levying a tax upon Virginia to swell the coffers of their own state.

I have the honor to be,

With every sentiment of respect and esteem,

Your Excellency's most obedient servant,

THO. M. RANDOLPH.

GOVERNOR ADAIR.

Ordered, That the said message and letter be referred to a select committee of messrs. M'Affee Butler, Ferguson, Green, Allen, Henderson, Brents and M'Kee; and that the public printers forthwith print 150 copies of said message and letter for the use of the members of this house.

The following bills were severally read a second time, viz.—1. A bill to establish private pass-ways; and 2. A bill to amend the law concerning ejectments.

The first was committed to a select committee of messrs. Garrard, M'Millan, Lancaster, Sandford, Green and Hickman; and the second was postponed until the first day of March next.

The yeas and nays being required on the postponement of the second bill by messrs. Hickman and Roberts, were as follows, viz.

Yeas—Messrs. Bray, Cassidy, S. D. Clark, Cockerill, Cooper, Cunningham, Ferguson, Fletcher, Geohagan, Henderson, Hickman, Lancaster, Lynch, H. W. Moore, Mosley, Murray, M'Elroy, M'Millan, O'Bannon, Parker, Patton, Piercy, Philips, Roberts, Scott, Shacklett, Shannon, Sharp, Taylor, Townsend, Wakefield, Wilcoxson, Williams and Woods—34.

Nays—Mr. Speaker, messrs. Anderson, Boyd, Butler, Caldwell, Calhoun, J. Clark, Cotton, Craig, Cravens, Crow, Emerson, Gaines, Garrard, Green, Grundy, Hall, Love, T. P. Moore, Munford, M'Affee, Noland, J. Patterson, Payne, N. P. Porter, Prewitt, Ruffin, Sandford, Selby, Spillman, Stevenson, Watkins and Winlock—32.

And then the house adjourned.

WEDNESDAY, NOVEMBER 22, 1820.

Mr. William Logan a member returned to serve in this house from the county of Shelby in the room of Cathbert Bal-

litt, Esq. resigned, appeared, produced a certificate of his election, and of his having taken the oaths required by the constitution of the United States, and the constitution and laws of this state, and took his seat.

Mr. McAfee presented the petition of the heirs of the late General George Rogers Clarke, praying that a law may pass to authorise them to survey and carry into grant an entry for 101,920 acres, made by him west of the Tennessee river.

Which was received, read and referred to the committee for courts of justice.

Ordered, That messrs. Logan and Ferguson be added to the committee for courts of justice.

Mr. McMillan from the committee of propositions and grievances, made the following report, viz.

The committee of propositions and grievances have according to order, had under consideration the petition of sundry citizens of Breckinridge and Daviess counties, praying the erection of a new county out of parts of each; also the counter petition thereto; and have come to the following resolution thereupon, to wit:

Resolved, That the said petition, be rejected.

Which being twice read, was concurred in.

Mr. Emerson from the select committee to whom was referred an engrossed bill entitled an act for the benefit of Cornelius Philips, reported the same with an amendment:

Which being twice read, was concurred in.

Ordered, That the said bill as amended, be engrossed and read a third time to-morrow.

Mr. Noland from the select committee to whom was referred a bill to amend an act entitled an act reserving certain property from execution, approved February 4, 1815, reported the same with an amendment:

Which being twice read,

It was then moved and seconded to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Noland and Cassidy, were as follows, to wit:

Yeas—Messrs. Allen, Anderson, Blakey, Cotton, Cunningham, Garrard, Geohagan, Gordon, Green, Hickman, Lynch, Philips, Rudd, Sharp, Stone, Wakefield, Watkins and Williams—18.

Nays—Mr. Speaker, messrs. Barnett, Bedinger, Berry, Boyd, Bray, Brents, Butler, Caldwell, Calhoun, Cassidy,

Chisholm, J. Clark, S. D. Clark, Cockerill, Cooper, Craig, Cravens, Crow, Ferguson, Fletcher, French, Gaines, Gerard, Grundy, Hall, Harris, Henderson, Howard, Lancaster, Lee, Logan, Love, Lyne, H. W. Moore, Mosley, Mullens, Munford, Murray, M'Attee, M'Elroy, M'Millan, Noland, O'Bannon, Parker, J. Patterson, W. Patterson, Payne, Piercy, N. P. Porter, O. C. Porter, Prewitt, Rife, Roberts, Ruffin, Sandford, Scott, Selby, Shacklett, Shannon, Slaughter, Spillman, Stevenson, Taylor, Todd, Townsend, Warfield, Wilcoxson, Winlock and Woods—70.

It was then moved and seconded to strike out the proviso to the second section of said bill in the following words: *Provided however*, that nothing herein contained shall be so construed as to effect any contract heretofore made.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Gordon and Cockerill, were as follows, viz.

Yeas—Messrs. Ferguson, Fletcher, Gaines, Gerard, Gordon, Henderson, Lee, H. W. Moore, N. P. Porter, Todd and Wilcoxson—11.

Nays—Mr. Speaker, messrs. Allen, Anderson, Barnett, Bedinger, Blakey, Boyd, Bray, Brents, Butler, Caldwell, Calhoun, Cassidy, Chisholm, J. Clark, S. D. Clark, Cockerill, Cooper, Cotton, Craig, Cravens, Crow, Cunningham, Emerson, French, Garrard, Gehegan, Green, Grundy, Hall, Harris, Hickman, Howard, Lancaster, Logan, Love, Lynch, Mosley, Mullens, Munford, Murray, M'Attee, M'Elroy, M'Kee, M'Millan, Noland, Parker, J. Patterson, W. Patterson, Patton, Payne, Piercy, Phillips, O. C. Porter, Prewitt, Roberts, Rudd, Ruffin, Sandford, Scott, Selby, Shacklett, Shannon, Sharp, Spillman, Stevenson, Stone, Taylor, Townsend, Wakefield, Warfield, Watkins, Williams, Winlock and Woods—75.

The first section of said bill was then read as follows, viz.

§ 1. *Be it enacted by the general assembly of the commonwealth of Kentucky*, That after the passage of this act, the following species of property, viz: The necessary and essential cooking utensils of each private family, *with one horse, mare or gelding, not exceeding the value of thirty dollars, one plough and the necessary gear and harness for plowing, one axe, one hoe, one table, and the tools or implements of each mechanic necessary for carrying on his trade,*

not exceeding the value of thirty dollars, shall not be subject to execution or distress.

It was then moved and seconded to amend said section by expunging therefrom the words "*not exceeding the value of thirty dollars*," as attached to the tools of mechanics to be exempted from execution.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Shannon and Prewitt, were as follows, viz.

Yeas—Mr. Speaker, messrs. Allen, Bedinger, Brents, Butler, Craig, Crow, Ferguson, French, Gaines, Gordon, Henderson, Lee, H. W. Moore, Munford, M'Atlee, M'Kee, M'Millan, Parker, Patton, N. P. Porter, Rudd, Sandford, Selby, Shannon, Spillman, Stevenson, Todd, Wakefield, Watkins and Wilcoxson—51.

Nays—Messrs. Anderson, Barnett, Berry, Blakey, Boyd, Bray, Caldwell, Calhoun, Cassidy, Chisholm, J. Clark, S. D. Clark, Cockerill, Cooper, Cotton, Cravens, Cunningham, Emerson, Fletcher, Garrard, Gerard, Geohegan, Green, Grundy, Hall, Harris, Hickman, Howard, Lancaster, Logan, Love, Lynch, Mosley, Mullens, Murray, M'Elroy, Noland, J. Patterson, W. Patterson, Payne, Piercy, Philips, O. C. Porter, Prewitt, Roberts, Ruffin, Shacklett, Sharp, Stone, Taylor, Warfield, Williams and Woods—53.

It was then moved and seconded to expunge from said section the words printed in italics.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Prewitt and Cockerill, were as follows, viz.

Yeas—Messrs. Allen, Anderson, Berry, Blakey, Cotton, Cunningham, Gaines, Garrard, Gordon, Hickman, Howard, Lynch, Philips, Prewitt, Rudd, Sandford, Selby, Sharp, Stone, Todd, Wakefield, Watkins and Williams—23.

Nays—Mr. Speaker, messrs. Barnett, Bedinger, Boyd, Bray, Butler, Caldwell, Cassidy, Chisholm, J. Clark, S. D. Clark, Cockerill, Cooper, Craig, Cravens, Crow, Emerson, Ferguson, Fletcher, French, Gerard, Geohegan, Green, Grundy, Hall, Harris, Henderson, Lancaster, Lee, Logan, Love, H. W. Moore, Mosley, Munford, Murray, M'Atlee, M'Elroy, M'Kee, M'Millan, Noland, Parker, J. Patterson, W. Patterson, Patton, Payne, Piercy, N. P. Porter, Roberts, Ruffin, Shacklett, Shannon, Spillman, Stevenson, Taylor, Townsend, Warfield, Wilcoxson, and Woods—58.

The said amendment as amended, was then concurred in.

Ordered, That the said bill as amended, be engrossed and read a third time to-morrow.

The house took up the resolution laid on the table on the 15th instant by Mr. Payne; which was twice read and concurred in.

Ordered, That Mr. Payne carry the said resolution to the senate and request their concurrence.

Mr. Lancaster from the select committee to whom was referred a bill to amend an act entitled an act to reduce into one the several acts concerning mill-dams and other obstructions in water courses, reported the same without amendment.

And the question being taken on engrossing the said bill and reading it a third time, it was decided in the negative, and so the said bill was rejected.

Mr. Fletcher from the select committee to whom was referred a bill for the divorce of sundry persons, reported the same with an amendment.

And then the house adjourned.

THURSDAY, NOVEMBER 23, 1820.

Mr. Garrard from the committee of religion, made the following report, viz.

The committee of religion, have according to order had under consideration several petitions to them referred, and have come to the following resolutions thereupon, to wit:

Resolved, That the petition of Rodham Kenner, representing that his wife has been guilty of adultery, and praying for a divorce, be rejected.

Resolved, That the petition of John Scott, representing that his wife has been guilty of adultery, and praying for a divorce, be rejected.

Which being twice read, the first resolution was concurred in, and the second was laid on the table.

Mr. Fletcher presented the petition of Littleberry Cotton and others, representing that they made a purchase of certain lands belonging to the trustees of the Franklin Seminary, from Willis Morgan their attorney in fact; which sale, from some cause, the said trustees are inclined to disavow, and praying that a law may pass to confirm the aforesaid sale, and to render valid and legal the acts of said Morgan, in pursuance of his power of attorney.

Which petition was received, read and referred to the committee for courts of justice.

A message from the senate by Mr. Given :

Mr. Speaker,

The senate have passed a bill which originated in this house entitled an act to establish the bank of the commonwealth of Kentucky, with an amendment, in which they request the concurrence of this house.

And then he withdrew.

Mr. Lancaster from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles :

An act for the benefit of Philemon Waters ; an act for the benefit of the heirs and representatives of Robert Hindman, deceased ; an act concerning the duties of the register of the land office ; an act for the benefit of the heirs of Robert Coleman and Moses Sharp, deceased ; an act to repeal in part an act concerning county levies and certain officers' fees, passed February 8, 1815 ; an act for the benefit of Ann Edins and Mary Folden ; an act for the benefit of Eli Mavel ; an act for the benefit of Jincy Dodds ; an act for the benefit of Catharine Wilkinson ; an act granting a divorce of Elizabeth Western ; an act authorising a change of venue in the case of William Chamberlaine ; and an act providing for the appointment of commissioners to confer with commissioners from Virginia to fix the point where the road leading from Mountsterling to the Virginia line shall cross it.

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

Ordered, That Mr. Lancaster inform the senate thereof.

Mr. Miller read and laid on the table the following preamble and resolutions, viz.

WHEREAS it evidently appears to the general assembly of the commonwealth of Kentucky, that the right of chartering corporations, or granting to particular associations of individuals, privileges and immunities to the exclusion of other citizens, is contrary to the spirit of the constitution of the U. States, in support of which construction it is only necessary to refer to the journal of the proceedings of that illustrious body of statesmen who framed that instrument ; by whom every proposition to grant such powers to the government of the U. States, in express terms, even where the public good might require them, was promptly rejected : And whereas, the general assembly of the commonwealth of Kentucky, are convinced that the necessity and propriety of chartering the

Bank of the U. States, in order to enable the government to collect the revenue, has been so far from being demonstrated by experience, that the effects of the institution, as well of the state banking institutions, have rather produced calamity, encouraged extravagance and luxury, created a fictitious circulating medium, which the funds of the bank were never competent to redeem, and excited a wild and mischievous spirit of speculation without a parallel in the history of our country : And whereas that institution by pursuing such a course, has set an example to individuals as well as to the state banks, which has been unfortunately too closely followed by over trading to an unwarrantable extent, imposing on the credulous and unwary, and holding out improper and dishonorable inducements to the honest and industrious portion of the community, which is utterly inconsistent with the sound, moral principles indispensable to the welfare of a republican government. In consequence of this state of things, an entire derangement of the paper currency of the whole U. States has occurred, followed by such a depreciation of the current paper of most of the local banks, resulting from the suspension of specie payments, as enables a fraudulent debtor, legalized by many of the state legislatures, tacitly, if not expressly, to enrich himself at the expense of his creditor, by discharging his debt with a sum nominally as great, but in reality less than the amount he contracted to pay. By this course the debtor impoverishes his creditor in the proportion to his own gains, which ultimately operates as an extraordinary and unequal levy of money on a single class of citizens : And whereas, this ruinous policy has in effect, defrauded the government of that portion of its revenue which is lost by such depreciation in the paper it consented to receive, relying on the good faith of the institutions by which it was issued, & producing such a total want of confidence in the plighted faith of banking institutions as to withdraw the precious metals from circulation. If these premises are correct, the conclusion ought not to excite our surprise, although we are compelled to lament it : The value of labor, as well as its products, is diminished, and the national expences are enhanced beyond its revenue : And whereas, this deplorable state of things has induced the governments of several of the U. States, indirectly to authorise the tender of paper money in payment of debts by permitting long replevins, which necessarily must increase these evils of which all loudly complain, presenting a scene of fraud on one side, and a loss on the other in all contracts between individuals. From these causes, trade languishes,

the certainty of support by regular industry is lost, the fraudulent concealment of property from just creditors, is no longer considered dishonorable, and the whole moral fabric of society is endangered : Therefore,

Be it resolved by the general assembly of the commonwealth of Kentucky. That the following amendment to the constitution of the U. States be proposed to the several state legislatures, which, when adopted by the constitutional majority thereof, shall be made part of that instrument : That no state shall have power to create any bank or corporation, for dealing in money, bullion or exchange, or emitting bills ; nor shall the congress of the U. States have any power to grant to any individual or individuals, any letter or letters of incorporation, or to give to any individual or individuals, any power or authority by incorporation or otherwise, to deal in money, bullion, exchange, emit bills, or in any manner to exercise the privileges and powers of a bank ; but all bills of credit issued under the authority of the congress of the U. States, shall be upon the faith and credit of the U. States, and to their sole use and emolument : That from and after the ——— of ——— in the year ——— all and every bank created or incorporated by the congress of the U. States, and all and every power or privilege of banking, claimed or exercised, under any act of incorporation of any state, or of the U. States, shall cease.

Resolved, That the governor of this commonwealth be, and he is hereby requested to transmit a copy of the foregoing resolution to each of the state legislatures, and to our representatives and senators in congress, requesting their aid in promoting the adoption of the foregoing amendment as part of the constitution of the U. States.

Mr. Mosley from the select committee to whom was referred a bill to amend the laws for the punishment of slaves, reported the same with an amendment.

Ordered, That the said bill and amendment, be committed to a select committee of messrs. Butler, Philips, Mosley and Lancaster.

On the motion of Mr. Howard,

Ordered, That leave be given to bring in a bill for the benefit of the heirs of David C. Irvine ; and that messrs. Howard, Woods, Stone, McKee and Green, be appointed a committee to prepare and bring in the same.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. M'Millan from the committee of propositions and grievances—1. A bill to authorise the county court of Bracken to open a road through the out lots of Augusta ; 2. A bill to add a part of Gallatin to the county of Boone.

By Mr. Butler—3. A bill for the relief of Joshua Humphreys, administrator of James Hughes, deceased.

And by Mr. Green—4. A bill for the benefit of Solomon Griffin and the heirs of Catharine Smith.

Which bills were severally received and read the first time, and (with the exception of the second, which was laid on the table) ordered to be read a second time.

And thereupon the rule of the house, and second and third readings of the first and third bills being dispensed with, and the same being engrossed :

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Warfield carry the former, and Mr. Butler the latter bills to the senate and request their concurrence.

A message from the senate by Mr. Owens :

Mr. Speaker,

The senate have passed bills which originated in this house of the following titles :

An act to amend an act for appropriating the vacant lands in this commonwealth ; and an act for the relief of the heirs at law of John Walker, deceased, with amendments to the latter bill, in which they request the concurrence of this house.

And then he withdrew.

The house took up the amendment proposed by the senate to a bill from this house entitled an act to establish the bank of the commonwealth of Kentucky, which proposes to strike out "*Harrodsburg*" and insert "*Frankfort*" as the place for locating the mother bank.

It was then moved and seconded to postpone the said bill and amendment *indefinitely*.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Cravens and Cassidy, were as follows, viz.

Yeas—Messrs. Barnett, Bedinger, Boyd, Bray, Butler, Caldwell, S. D. Clark, Cotton, Ferguson, French, Garrard, Green, Grundy, Hickman, Howard, Hunter, Lancaster, Logan, Love, Lyne, Miller, Murray, M'Kee, M'Millan, Parker, Payne, Percy, Philips, Prewitt, Sandford, Scott, Shannon,

Spillman, Stevenson, Stone, Todd, Townsend, Wakefield, Wickliffe and Woods—40.

Nays—Mr. Speaker, messrs. Allen, Anderson, Berry, Blakey, Brents, Calhoun, Cassidy, Chisholm, Cockerill, Cooper, Craig, Cravens, Crow, Cunningham, Emerson, Farrow, Fletcher, Gaines, Gerard, Geohagan, Gordon, Hall, Harris, Henderson, Hughes, King, Lee, Lynch, T. P. Moore, Mosley, Mullens, Munford, M'Affee, M'Elroy, Noland, O'Bannon, J. Patterson, W. Patterson, Patton, N. P. Porter, O. C. Porter, Rife, Roberts, Ruffin, Selby, Shacklett, Sharp, Slaughter, Taylor, Warfield, Watkins, Wilcoxson, Williams and Winlock—55.

It was moved and seconded that this house *disagree* to the said amendment.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Williams and Cockerill, were as follows, to wit :

Yeas—Mr. Speaker, messrs. Anderson, Barnett, Bedinger, Berry, Blakey, Bray, Butler, Calhoun, Cassidy, Chisholm, S. D. Clark, Cockerill, Cooper, Craig, Cravens, Crow, Cunningham, Emerson, Farrow, Ferguson, Geohagan, Gordon, Green, Grundy, Hall, Hickman, Hughes, King, Lancaster, Love, Lynch, Miller, T. P. Moore, Mosley, Munford, Murray, M'Affee, M'Elroy, M'Kee, M'Millan, O'Bannon, Patton, O. C. Porter, Rife, Roberts, Ruffin, Shannon, Sharp, Slaughter, Spillman, Taylor, Townsend, Wakefield, Watkins, Wickliffe, Williams and Winlock—58.

Nays—Messrs. Allen, Boyd, Brents, Caldwell, Fletcher, French, Gaines, Garrard, Gerard, Harris, Henderson, Howard, Hunter, Lee, Logan, Lyne, Mullens, Noland, Parker, J. Patterson, Payne, Piercy, Phillips, N. P. Porter, Prewitt, Sandford, Scott, Selby, Shacklett, Stevenson, Stone, Todd, Warfield, Wilcoxson and Woods—55.

Ordered, That Mr. Slaughter inform the senate thereof.

And then the house adjourned.

FRIDAY, NOVEMBER 24, 1820.

A message from the senate by Mr. Ewing :

Mr. Speaker,

The senate have adopted a resolution fixing on a day for the election of a president and directors to the Bank of Kentucky ; also, a Treasurer and Public Printer ; in which resolution they request the concurrence of this house.

And then he withdrew.

Mr. Cassidy from the majority by which the amendment proposed by the senate to a bill from this house entitled an act to establish the Bank of the commonwealth of Kentucky, was disagreed to, moved for a reconsideration of said vote.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. M'Alfee and Cassidy, were as follows, viz.

Yeas—Messrs. Allen, Anderson, Boyd, Brents, Caldwell, Cassidy, Fletcher, Gaines, Gerard, Harris, Henderson, Hughes, Hunter, King, Lee, Logan, Lyne, Noland, Parker, Patton, Piercy, Phillips, N. P. Porter, Prewitt, Radd, Ruffin, Selby, Shacklett, Stevenson, Stone, Taylor, Todd, Warfield, Wilcoxson and Woods—36.

Nays—Mr. Speaker, messrs. Barnett, Berry, Blakey, Bray, Butler, Calhoun, Chisholm, S. D. Clark, Cockerill, Cooper, Cotton, Craig, Cravens, Crow, Cunningham, Emerson, Farrow, Ferguson, French, Garrard, Geohegan, Green, Grundy, Hall, Hickman, Howard, Lancaster, Love, Lynch, T. P. Moore, Mosley, Munford, Murray, M'Alfee, M'Elroy, M'Kee, M'Millan, O'Bannon, J. Patterson, W. Patterson, Payne, O. C. Porter, Roberts, Sanford, Scott, Shannon, Sharp, Slaughter, Spillman, Townsend, Wakefield, Wickliffe, Williams and Winlock—55.

Mr. Blakey presented the petition of sundry citizens of the counties of Warren, Grayson and Hart, praying for the formation of a new county out of a part of each of said counties.

Which was received, read and referred to the committee of propositions and grievances.

On the motion of Mr. Wickliffe,

Ordered, That leave be given to bring in a bill to legalize the proceedings of the Nelson county court; and that messrs. Wickliffe, Cotton, Wakefield and Logan, be appointed a committee to prepare and bring in the same.

Mr. Grundy from the joint committee appointed to examine the penitentiary house and the books and accounts thereof, made the following report, which was received and read, viz.

The joint committee appointed to examine and report the state of the penitentiary institution, have according to order, performed that service, and beg leave to submit the following as the result of their inquiries.

The number of convicts in the penitentiary on the first day of November, 1829, was seventy-one; who are employed in the general, in the following mechanic arts, to-wit :

In the nail cutting factories,	7
In making wrought nails,	4
In other blacksmith's work,	4
In manufacturing chains,	4
In shoe-making,	11
In harness-making,	1
In stone cutting,	34
In cooking and washing including invalids,	6
Total,	71

Amounting in the whole to seventy-one as above stated ; all apparently in good health, and in the general in good condition, sufficiently well clad and dieted, except as to the latter.

Your committee would recommend that the addition of good, sound, wholesome vegetable diet, should be added, when it can be purchased on reasonable terms. No opinion is hazarded upon the condition of the buildings by this committee, as that part of the subject has been referred to another committee, who have already reported thereon.

Your committee represent that there are raw materials on hand belonging to the institution of various kinds to the amount of \$2,917 93 to-wit :

Manufactured articles in the possession of the agent not disposed of, consisting of various articles, as follows, viz.	
Amount of shoes,	\$1,108 00
Do. of drawing chains,	322 37
Do. Iron articles other than nails and drawing chains,	1,352 62
Do. of nails of all kinds,	11,229 67
Do. of chains,	974 25
Do. Stone work of all kinds,	3,672 84
Total amount,	\$18,659 75

Schedules of the raw materials and manufactured articles on hand, will be presented to the general assembly, in a specific shape for inspection.

Your committee are of opinion that there is a disproportionate quantity of stone work on hand, and would advise

that less of that fabric should be manufactured in future, unless the demand for that article should increase. We are of opinion that a part of the convicts might be more beneficially employed in the business of manufacturing tobacco, spinning wheels, wheel carriages of the common sort, and in carrying on the coopering business, each to such an extent, and upon such a scale, as the keeper and agent in their sound discretion may deem expedient and proper.

The current accounts of the agent with the keeper, previous to, and since the first day of October, 1819, which have not been heretofore specially reported, together with the amount of receipts on sales and debts collected and deposited in the treasury to the credit of the agent, stand thus :

Manufactures on hand the 1st Oct. 1819,	\$22,287 70
Ditto received of keeper penitentiary from the 1st Oct. 1819, to the 30th Oct. 1820.	23,285 84
	<hr/> \$45,573 54

Sales of manufactures from the 1st Oct. 1819, to the 30th Oct. 1820,	26,814 72
Leaving a balance of manufactures on hand on the 30th Oct. 1820, of	18,658 82
Amount of receipts on collection of debts and ar- ticles sold from the 1st Oct. 1819, to the 30th Oct. 1820,	21,316 45
Costs received,	550 04
Interest do.	149 68
	<hr/> \$22,016 17

Amount of deposits in the treasury from the 1st Oct. 1819, to 30th Oct. 1820, is	21,236 03
Costs paid on suits,	780 14
	<hr/> 22,016 17

The receipts on collections of debts, and cash received on sales, are thus balanced by the deposits made in the treasury by the agent, since the 1st of Oct. 1819.

The whole debts due the institution upon bonds, note, accounts or otherwise, amount nominally, to the sum of	42,775 70
Add to this, manufactures on hand as aforesaid,	18,658 82
	<hr/> 61,434 52

Amount brought forward,	61,434 52
Also, the amount of raw materials as before stated,	2,917 93
Total nominal worth of the institution on the 30th October, 1820, debts due therefrom excepted, is	64,552 45
Balance due the state for monies advanced to the benefit of the Penitentiary, as per auditor's report 10th Oct. 1820,	21,956 80
Balance due in favor institution,	\$42,596 65

Your committee report that the books and papers of the agent and keeper, are all in good order, in well bound books and neat files, labelled in clerical order. But they are sorry to say that a great many of the debts due the institution, as relates to their collection, are in a desperate and alarming situation. Few of the claims due are bonded, and some of the unliquidated accounts have been standing almost from the commencement of the institution. Many of her debtors are in a state of insolvency; many others have absconded to parts unknown; and your committee are of opinion, that but little more than one half of the nominal debt due, if that, will ever be collected; certainly not, if greater exertions are not used to effect that purpose. An expose of the debts in detail will be laid before the legislature for inspection, which will more fully evince the probable results here anticipated.

It is stated by the keeper that the probable expenditures that will be required for the purchase of additional raw materials for the year 1821, will be \$ 9,000; if so, the state is playing a losing game, unless collections can be facilitated by acts of the legislature, and a display of the active exertions of the officers of the penitentiary.

Your committee are of opinion, that the state would be benefited if sales were made for cash in hand, should the loss be twenty-five or thirty per cent. upon the value of the articles. At all events the agent in addition to instructions to facilitate the collection of debts, should be restricted from vending the manufactured articles on credit, except upon bonds executed therefor, well secured by mortgage or personal security. The following resolution is submitted:

Resolved, That a law ought to pass to enable the agent of the penitentiary to secure and facilitate the collection of debts due the penitentiary, and to regulate the manner of sales of

manufactured articles hereafter to take place. All of which is most respectfully submitted.

From the senate,

DAVID WHITE, Jr.
WM. P. ROPER,
SAM'L. McLEAN,
THOS. DOLLERHIDE.

From the house of representatives,

WILLIAM GRUNDY,
N. P. PORTER,
THOS. STEVENSON,
WM. CALDWELL,
D. P. BEDINGER,
JOHN H. RUDD,
B. CHISHOLM,
JAMES C. CRAVENS.

Mr. Howard from the joint committee appointed to examine the Treasurer's office, made the following report, which was received and read, viz.

Samuel South, Treasurer in account with the state of Kentucky.

RECEIPTS.

For money received on head-right lands,	\$4,836 21
Do. Vacant lands,	5,814 29
Do. Manufacturing of salt,	444 97
Do. From sheriffs,	82,157 64
Do. Non-residents' lands,	1,981 96
Do. Clerks,	11,940 14
Do. Secretary of state,	1 90
Do. Fines,	711 60
Do. Tax on bank stock,	10,147 63
Do. Penitentiary,	19,181 45
Dividends on bank stock of Kentucky, owned by the state for the six months ending 31st January, 1820;	19,540 87
Do. Ending 31st July, 1820,	17,709 14
Do. Miscellaneous receipts,	56 28
Internal navigation,	1,190 84
Total amount received in 1820,	\$175,714 98
To amount in the treasury on the 10th November, 1819,	53,984 52
Total amount,	\$229,699 50

This statement exhibits the amount of moneys paid for warrants drawn on the treasury from the 10th Nov. 1819 to the 10th of Oct. 1820, inclusive.

For bank stock subscribed,	20,500 00
Drawback on vacant land,	33 11
Penitentiary for loans, &c.	20,721 65
Sergeant of the court of appeals,	543 62
Public communications,	1,361 49
Legislature December session, 1819,	27,939 49
Money refunded,	105 50
Public roads,	94 50
Public printing,	2,943 70
Lexington academy,	5,000 00
State boundary line,	805 00
Judiciary department,	20,212 15
Executive department,	7,566 06
Executive offices,	1,942 35
Negroes executed,	1,200 00
Littell's Laws of Kentucky,	340 50
Criminal prosecutions,	13,401 00
Livotics,	11,143 26
Commissioners' of tax,	6,312 20
Purchasers of non-residents' lands,	706 14
Sheriffs comparing polls,	951 95
Clerks of circuit and county courts,	7,264 69
Jailors,	3,950 09
Contingent expences,	2,825 95
Pensioners,	60 00
Military expenditures,	987 65
Surveyors for transcribing entries,	326 15
Aggregate amount of receipts, including money in the treasury on the 10th of Nov. 1819,	229,698 50
Amount of warrants paid same time,	159,609 18

Cash in the treasury on the 10th of Oct. 1820, \$70,690 32

The joint committee of the senate and house of representatives have examined the treasurer's office, and compared the vouchers with the entries, and find them correctly entered and filed, with the books in good order, and the balance struck for the same time. A statement is herewith reported, and which is the result of our examination.

All of which is herewith respectfully submitted.

From the senate,

THOS. S. SLAUGHTER,
JAMES DAVIDSON,
JOHN FAULKNER,

From the house of representatives,

THOS. C. HOWARD,
R. F. SLAUGHTER,
A. S. FARROW,
S. BARNETT,
JAMES RUFFIN,
JESSE NOLAND.

Mr. Todd from the select committee to whom was referred a bill from the senate entitled an act for the establishment of a road from Frankfort to the Ohio river opposite the town of Neville, reported the same with an amendment:

Which being twice read, was concurred in.

Ordered, That the said bill as amended, be read a third time to-morrow.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. Wickliffe—1. A bill to legalize the proceedings of the Nelson county court.

And by Mr. Blakey—2. A bill to add an additional number of trustees to the Warren seminary.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second reading of said bills being dispensed with, the said bills (the first being amended) were severally ordered to be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision and third reading of the latter bill being dispensed with, and the same being engrossed:

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Blakey carry the said bill to the senate and request their concurrence.

Mr. Garrard from the select committee to whom was referred a bill to authorise the establishing private pass-ways, reported the same with sundry amendments:

Which being twice read, were concurred in.

Ordered, That the said bill as amended, be recommitted to a select committee of messrs. Garrard, M'Millan, Woods, Cravens, Payne, Fletcher and Hall.

A message from the senate by Mr. Pope:

Mr. Speaker,

The senate have passed a bill entitled an act for the benefit of Benjamin Bridges; in which bill they request the concurrence of this house.

And then he withdrew.

Mr. Butler from the select committee to whom was referred a bill to amend the law for the punishment of slaves, reported the said bill with amendments, which were then twice read as follows, viz.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the passage of this act, no slave within this commonwealth shall be punished with death for any crime, except the crime of murder, and the crime of rape, committed upon a white woman; and for an attempt to commit rape upon a white woman, the punishment shall be castration.

§ 2. *Be it further enacted,* That whenever any slave or slaves within this commonwealth, shall be convicted of any crime, except the crime of murder and rape as aforesaid, and the attempt to commit rape, and which by the laws for the time being, if committed by a white person would be punishable by confinement in the jail and penitentiary house of this commonwealth, that such slave or slaves shall, for every such crime, receive upon his or her bare back any number of lashes not exceeding one hundred, to be ascertained by a jury in the circuit court.

§ 3. *Be it further enacted,* That when any such slave or slaves shall be convicted before any justice of the peace of this commonwealth, of any misdemeanor, and which if committed by a white person would not be punishable by confinement in the jail and penitentiary house of this commonwealth, that such slave or slaves, shall receive upon his or her bare back, any number of lashes not exceeding thirty-nine, by order of the justice: Provided however, that nothing in this act contained shall be so construed, as to alter the punishment of slaves for any crime or misdemeanor by him, her or them committed prior to the passage of this act. All laws coming within the purview of this act are hereby repealed.

Strike out the first and second sections of the bill, and in lieu thereof, insert the following:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the passage of this act, no slave or slaves within this commonwealth, shall be punished with death for any crime excepting the crime of murder of the first degree, the crime of rape, committed upon the person of a white woman, or an attempt to commit a rape upon the person of a white woman, and the crime of wilfully setting fire to, and burning any dwelling house, barn, stable, mill-house, store-house, factory or warehouse.

§ 2. *And be it further enacted*, That from and after the passage of this act, any free person or persons of color, who shall be convicted of the crime of rape upon the person of a white woman, or of any attempt to commit a rape upon the person of any white woman, shall be punished with death.

It was then moved and seconded to lay the said bill and amendments on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Hall and Gordon, were as follows, viz.

Yeas—Messrs. Anderson, Barnett, Berry, Bray, Cassidy, Cotton, Cravens, Cunningham, Ferguson, Fletcher, French, Garrard, Geohagan, Gordon, Love, Lynch, Munford, M'Millan, O'Bannon, Parker, J. Patterson, W. Patterson, Payne, Piercy, Philips, Prewitt, Rudd, Shannon, Spillman, Stone, Wakefield, Warfield, Watkins, Wickliffe, Wilcoxson, Williams, Winlock and Woods—38.

Nays—Mr. Speaker, messrs. Butler, Caldwell, Chisholm, Cooper, Craig, Grundy, Hall, Hickman, Hughes, Lancaster, Lee, Mosley, M'Elroy, N. P. Porter, Roberts, Sandford, Selby, Taylor and Townsend—20.

On the motion of Mr. Fletcher,

Ordered, That leave be given to bring in a bill to repeal in part the revenue laws of this commonwealth; and that messrs. Fletcher, Logan, Selby and Taylor, be appointed a committee to prepare and bring in the same.

On motion,

Ordered, That the committee for courts of justice be discharged from a further consideration of the petition of Thomas Worland, and that the same be referred to a select committee of messrs. Payne, Green, Shannon, Craig and Watkins, and that said committee have leave to report thereon by bill or otherwise.

Mr. Ferguson from the select committee to whom was referred a bill for classing tobacco, reported the same with amendments.

Ordered, That the said bill and amendments, be recommittees to a select committee of messrs. Lancaster, Howard, Green, Garrard, Miller, Ferguson and M'Kee.

Mr. Garrard from the select committee appointed for that purpose, reported a bill to improve the navigation of the Ohio river at the falls of said river.

Which was received and read the first time :

And the question being taken on reading the said bill a second time it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Sharp and Cassidy, were as follows, to wit:

Yeas—Mr. Speaker, messrs. Barnett, Boyd, Bray, Brents, Chisholm, S. D. Clark, Ferguson, Fletcher, Gaines, Garrard, Gerard, Green, Grundy, Hall, Henderson, Hickman, Howard, Hughes, Hunter, King, Lancaster, Logan, Love, Lyne, Mosley, Murray, M'Affee, M'Elroy, M'Kee, M'Millan, J. Patterson, Patton, Payne, Piercy, Phillips, N. P. Porter, Prewitt, Rife, Selby, Shannon, Spillman, Stevenson, Stone, Todd, Townsend, Wakefield, Warfield, Wickliffe and Woods—50.

Nays—Messrs. Allen, Anderson, Bedinger, Blakey, Butler, Caldwell, Cassidy, Cooper, Cotton, Cravens, Crow, Emerson, Farrow, French, Geohegan, Gordon, Harris, Lee, Lynch, Munford, Noland, O'Bannon, W. Patterson, Roberts, Ruffin, Scott, Shacklett, Sharp, Taylor, Wilcoxson, Williams and Winlock—32.

A message from the senate by Mr. Lee, their secretary :

Mr. Speaker,

The senate insist on their amendment proposed to a bill from this house entitled an act to establish the Bank of the Commonwealth of Kentucky.

And then he withdrew.

The house then proceeded to reconsider the amendment of the senate to said bill.

It was then moved and seconded that this house adhere to their disagreement to said amendment.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Lancaster and M'Affee, were as follows, viz.

Yeas—Mr. Speaker, messrs. Barnett, Bray, Butler, S. D. Clark, Cooper, Cotton, Emerson, Ferguson, French, Garrard, Geohegan, Green, Grundy, Hickman, Howard, Lancaster, Love, Lyne, T. P. Moore, Murray, M'Affee, M'Elroy, M'Kee, M'Millan, Parker, Payne, Sandford, Shannon, Spillman, Stevenson, Stone, Townsend, Wakefield, Wickliffe and Woods—36.

Nays—Messrs. Allen, Anderson, Blakey, Boyd, Brents, Caldwell, Cassidy, Chisholm, Cravens, Crow, Cunningham, Farrow, Fletcher, Gaines, Gerard, Gordon, Hall, Harris, Henderson, Hughes, Hunter, King, Lee, Logan, Lynch, Mosley, Munford, Noland, O'Bannon, J. Patterson, W. Pat.

terson, Patton, Piercy, N. P. Porter, O. C. Porter, Prewitt, Rife, Roberts, Rudd, Ruffin, Selby, Shacklett, Slaughter, Taylor, Todd, Warfield, Wilcoxson, Williams and Winlock—49.

It was then moved and seconded that this house *recede* from their disagreement to the said amendment.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Williams and Crow, were as follows, to wit :

Yeas—Messrs. Allen, Anderson, Blakey, Boyd, Brents, Caldwell, Cassidy, Chisholm, Cooper, Cravens, Crow, Cunningham, Farrow, Fletcher, Gaines, Gerard, Gordon, Hall, Harris, Henderson, Hughes, Hunter, King, Lee, Lynch, Mesley, Munford, Notand, O'Bannon, J. Patterson, W. Patterson, Patton, N. P. Porter, O. C. Porter, Prewitt, Rife, Roberts, Rudd, Ruffin, Selby, Shacklett, Sharp, Slaughter, Taylor, Todd, Warfield, Williams and Winlock—48.

Nays—Mr. Speaker, messrs. Barnett, Bedinger, Berry, Bray, Butler, S. D. Clark, Cotton, Emerson, Ferguson, French, Garrard, Geohegan, Green, Grundy, Hickman, Howard, Lancaster, Logan, Love, Lyne, T. P. Moore, Murray, McAfee, M'Elroy, M'Kee, M'Millan, Parker, Payne, Piercy, Phillips, Sandford, Scott, Shannon, Spillman, Stevenson, Stone, Townsend, Wakefield, Wickliffe, Wilcoxson and Woods—42.

Ordered, That Mr. Slaughter inform the senate thereof.

And then the house adjourned.

SATURDAY, NOVEMBER 25, 1820.

Mr. Fletcher presented the petition of Betsey Craig, praying for a divorce from her husband Benjamin Craig.

Mr. Farrow presented the petition of Martha Dunlavy, praying a divorce from her husband Daniel Dunlavy.

Mr. O'Bannon presented the petition of sundry citizens of Caldwell county, praying for a division of said county.

Which petitions were severally received, read and referred ; the first and second to the committee of religion ; and the third to the committee of propositions and grievances.

Ordered, That Mr. Brents have leave of absence from the service of this house until Thursday next ; and messrs. Wakefield, Shannon, M'Elroy and H. W. Moore until Tuesday next.

A message from the senate by Mr. Throckmorton :

Mr. Speaker,

The senate have passed a bill entitled an act for the benefit of the heirs of John Radford, deceased ; in which bill they request the concurrence of this house.

And then he withdrew.

Mr. Garrard from the select committee to whom was referred a bill to authorise the establishing private pass-ways, reported the same with an amendment.

Ordered, That the said bill and amendment be postponed until Wednesday next.

A message from the senate by Mr. Davidson :

Mr. Speaker,

The senate have passed a bill entitled an act for the benefit of the judge of the 12th judicial district ; in which bill they request the concurrence of this house.

And then he withdrew.

Mr. Fletcher from the select committee appointed for that purpose, reported a bill to repeal in part the revenue laws of this commonwealth :

Which was received and read the first time, and ordered to be read a second time.

Ordered, That messrs. Brents and Ferguson be excused from, and messrs. Slaughter and Hall be added to the committee to whom was referred so much of the governor's message as relates to education, and the Transylvania University.

Mr. T. P. Moore from the select committee to whom was referred a bill authorising the appointment of viewers to view a way for a road from Danville to the Tennessee state line, reported the same with an amendment in lieu of the original bill.

Ordered, That the said bill and amendment be postponed until the first day of June next.

An engrossed bill entitled an act to legalize the proceedings of the Nelson county court,

Was read a third time.

Resolved, That the said bill do pass, and that the title thereof be amended by adding thereto the words " and for other purposes."

Ordered, That Mr. Wickliffe carry the said bill to the senate and request their concurrence.

Mr. Cunningham presented the remonstrance of sundry citizens of Grayson county against the petition for striking off a part of said county for the purpose of forming a new county out of the counties of Grayson, Warren and Hart.

And Mr. Slaughter presented the remonstrance of sundry citizens of Warren county on the same subject.

Which were severally received, and referred to the committee of propositions and grievances.

And then the house adjourned.

MONDAY, NOVEMBER 27, 1820.

The Speaker laid before the house the memorial of William Littell, relative to the claim of this state to the lands west of the Tennessee river, within the supposed boundaries of this state.

Which was received, read and referred to the committee for courts of justice.

Mr. Hickman presented the petition of sundry citizens of the town of Paris, praying that a law may pass to change the mode of levying and assessing the town tax therein.

Mr. Lynch presented the petition of Jane Lewis, and Collins Lancer, administrators of William Lewis, deceased, praying that a law may pass to authorise a sale of a part of the real estate of said decedant, for the purpose of paying his debts.

Mr. Gaines presented the petition of sundry citizens of Greenup county, praying that the seat of justice of said county may be removed from Greenupburg to a more central situation.

And Mr. M'Kee presented counter petitions thereto.

Mr. Mosley presented the petition of Polly Stewart, praying for a divorce from her husband Levi S. Stewart.

Mr. Winlock presented the petition of sundry citizens of Barren county, praying that a part of said county may be added to the county of Monroe.

And Mr. Craig presented the petition of sundry citizens of Harlan county, praying that a law may pass granting 200 acres of vacant land to Mrs. Whitehead, a poor widow of said county.

Which petitions were severally received and read ; the first was referred to a select committee of messrs. Hickman, Garrard, Hughes, Warfield, M'Millan, Woods and Logan ; and the seventh to a select committee of messrs. Craig, Hickman, Woods, Wickliffe and O'Bannon, giving said committees leave to report thereon by bills or otherwise ; the second, third and fourth to the committee of propositions and grievances ; the fifth to the committee of religion ; and the sixth was laid on the table.

Mr. Lancaster from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles :

An act to amend an act reducing into one the several acts for apprehending and securing runaways ; an act to provide for the protection of public buildings ; an act to amend an act for appropriating the vacant lands of this commonwealth ; an act to amend an act entitled an act to ascertain and run the division line between the counties of Woodford and Franklin ; an act for the benefit of Thomas Griffin ; an act supplemental to an act entitled an act for the benefit of the Grand Lodge of Kentucky ; and an act for the relief of London Ferril and Rhoda his wife.

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

Ordered, That Mr. Lancaster inform the senate thereof.

Leave was given to bring in the following bills :

On the motion of Mr. Miller—1. A bill to repeal in part an act entitled an act providing for the removal of obstructions to the navigation of Floyd's fork of Salt river, approved February 19th, 1808.

On the motion of Mr. Howard—2. A bill to repeal an act entitled an act to amend the law concerning the turnpike and wilderness road, approved February 10th, 1820.

On the motion of Mr. Wickliffe—3. A bill to authorise the printing and publishing of the map of the lands west of the Tennessee river.

On the motion of Mr. Lancaster—4. A bill for the relief of the sheriff of Washington county.

And on the motion of Mr. M'Millan—5. A bill authorising the agent of the penitentiary to place all notes and accounts of said institution of fifty dollars and under, in the hands of constables for collection.

Messrs. Miller, Ferguson, Bray, Wilcoxson, Logan and Boyd, were appointed a committee to prepare and bring in the first ; messrs. Howard, Craig, Woods, Green and Love, the second ; messrs. Wickliffe, Watkins, Warfield, Gordon, and Munford, the third ; messrs. Lancaster, M'Afee, Townsend and Sandford, the fourth ; and messrs. M'Millan, Logan, Gerard, Garrard and Todd, the fifth.

Mr. Hickman from the joint committee appointed to examine the auditor's office, made the following report, which was received, and read, viz.

The joint committee of the senate and house of representatives appointed to examine the auditor's office, have performed that service : they have with great care and labor, examined the evidence and vouchers in support of each charge against the commonwealth in the period of eleven months from the 10th of November, 1819, to, and including the 10th day of October, 1820 ; they find all charges supported by legal vouchers and evidence ; they only discovered a small mistake of fifty cents in settling the account of the clerk of the county and circuit courts of Allen county ; they find that the receipts correspond with the books of the treasury ; they compared the general account as stated in the auditor's book with his report made to the legislature on the 21st day of October last, and find a perfect correspondence between the books and said report : they therefore deem it unnecessary to make a detailed statement, as it would be but a repetition of the auditor's report.

Your committee are highly pleased with the manner in which that office is kept, and the correct and neat manner in which the business is done.

Your committee examined the books containing the lists of non-residents' land and other papers relative to that branch of the department ; they find that the manner in which many of those entries were first made, being by letters, &c. that much difficulty and trouble devolves on the auditor in consequence thereof : they also, find that the said books are much worn, and many entries mutilated, and the margins filled with notes ; in many cases there is no room in the margin for any other notes, though it will be necessary that others should hereafter be made.

Your committee, therefore, beg leave most respectfully to recommend the passage of a law authorising the auditor to procure suitable books and transcribe all the entries of non-residents, and make complete alphabets to the same, as also, a reasonable compensation therefor ; for which purpose they beg leave to introduce a bill.

From the senate,

WM. OWENS,
HUMPHREY JONES,
JAMES FORD,
THOMSON WARD,
SAMUEL M'LEAN.

From the house of representatives.

CHARLES H. ALLEN,
JOHN L. HICKMAN,
EDWARDS KING,
LEWIS WILCOXSON,
V. PREWITT,
MICHAEL W. HALL,
RICH^d. I. MUNFORD,
EDM^d. WATKINS,
LEONARD H. LYNE,
JAMES PATTERSON.

Ordered, That the committee on the part of this house prepare and bring in a bill pursuant to said report.

Mr. Lancaster from the select committee to whom was referred a bill for classing tobacco in this commonwealth, reported the same with sundry amendments:

Which being severally twice read, were concurred in with amendments.

It was then moved and seconded to postpone the further consideration of said bill until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Miller and Crow, were as follows, viz.

Yeas—Messrs. Anderson, Berry, Blakey, Cassidy, Cockerill, Cravens, Gordon, M'Afee, Noland, O'Bannon, W. Patterson, O. C. Porter, Rife, Roberts, Sandford, Shacklett, Stone and Woods—18.

Nays—Mr. Speaker, messrs. Allen, Barnett, Bray, Chisholm, S. D. Clark, Cooper, Cotton, Crow, Cunningham, Emerson, Farrow, Ferguson, French, Garrard, Gerard, Grundy, Hickman, Howard, Hughes, Logan, Miller, Mosley, Mullens, Munford, M'Kee, M'Millan, Parker, J. Patterson, Patton, Percy, Phillips, N. P. Porter, Scott, Selby, Taylor, Townsend, Warfield, Watkins, Wickliffe and Wilcoxson—42.

The said bill was then ordered to be engrossed as amended, and read a third time to-morrow.

Mr. M'Kee from the committee for courts of justice to which was referred a bill to amend an act entitled an act to reduce into one the several acts concerning wills, the distribution of intestates' estates, and the duty of executors and administrators, approved February 4th, 1797, reported the same with amendments.

Which being severally twice read, were concurred in.

Ordered, That the said bill as amended, be engrossed and read a third time to-morrow.

Mr. M'Kee from the same committee, reported as unfinished business of the last session, a bill to authorise the redemption of lands forfeited for the non-payment of taxes, and to authorise the enlistment of lands forfeited for a failure to list the same for taxation.

Which was received and read the first time, and ordered to be read a second time.

Mr. Hickman from the select committee appointed for that purpose, reported a bill for the benefit of the heirs of Henry Talbot, deceased ; and Mr. O. C. Porter reported a bill authorising the sale of part of the public ground in Morgantown.

Which were received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second and third readings of said bills being dispensed with, and the same being engrossed :

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Hickman carry the said bills to the senate and request their concurrence.

Mr. Lancaster from the select committee appointed for that purpose, reported a bill for the relief of the sheriff of Washington county.

Which was received and read the first time, and ordered to be read a second time.

Mr. Hickman from the select committee to whom was referred a bill to amend an act entitled an act directing certain surveyors to transcribe certain entry books, approved February 12th, 1820, reported the same with an amendment :

Which being twice read was concurred in.

Ordered, That the said bill as amended, be engrossed and read a third time to-morrow.

A bill to amend the militia law, was read a second time, and committed to a select committee of messrs. Wickliffe, M'Affee, Rudd, Farrow, Shacklett, Emerson, Roberts and Wakefield.

A bill from the senate entitled an act for the benefit of the judge of the 12th judicial district ; and a bill from the senate entitled an act to regulate the town of Somerset :

Were severally read the first time and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second and third readings of said bills being dispensed with :

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the clerk inform the senate thereof.

Leave was given to bring in the following bills :

On the motion of Mr. King—1. A bill to change and extend the time of holding the Cumberland circuit court.

And on the motion of Mr. Grundy—2. A bill to establish one or more counties on the south-west side of the Tennessee river out of the counties of Caldwell and Livingston.

Messrs. King, Williams, Brents and Selby, were appointed a committee to prepare and bring in the first ; messrs. Grundy, M'Kee, Ferguson, Logan, Berry, Cravens, M'Afee and Watkins, the second.

Ordered, That the committee of the whole house be discharged from the further consideration of a bill for surveying the military lands west of the Tennessee river ; and that the same be recommitted to the committee for courts of justice.

And then the house adjourned.

TUESDAY, NOVEMBER 28, 1820.

Mr. Sharp presented the petition of sundry citizens of Whitley county, praying for the establishment of a turnpike road through said county in a direction to Knoxville, state of Tennessee.

And Mr. Craig presented the petition of Elizabeth Sellers of Rockcastle county, praying that a law may pass to remit to her the balance of the state price on 100 acres of land on which she resides in said county.

Which petitions were severally received, read and referred ; the first to a select committee of messrs. Sharp, Craig, Green, Barnett, Howard, Love and Fletcher ; and the 2d to a select committee of messrs. Craig, Barnett, Cooper, M'Kee and Green, giving said committees leave to report thereon by bills or otherwise.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. M'Millan—1. A bill authorising the agent of the penitentiary to place the notes and accounts of said institution of fifty dollars and under, in the hands of constables for collection.

By Mr. Wickliffe—2. A bill for the benefit of the executors, widow and heirs of Christian Hahn.

By Mr. Craig—3. A bill for the benefit of Delilah Whitehead.

By Mr. Noland—4. A bill declaring the north fork of Kentucky river a navigable stream.

By Mr. Wickliffe—5. A bill to authorise the printing and publishing the map of the land west of the Tennessee river.

By Mr. Philips—6. A bill for the relief of Simon Kenton.

By Mr. Howard—7. A bill for the benefit of the heirs of David C. Irvine, deceased.

By Mr. Craig—8. A bill altering the line between Knox and Harlan counties.

Which bills were severally received and read the first time, and the 1st, 2d, 3d, 4th, 5th, 7th and 8th, were ordered to be read a second time.

And the question being taken on reading the 6th bill a second time, it was decided in the negative, and so the said bill was rejected.

And thereupon the rule of the house, constitutional provision and second and third readings of the 2d, 7th and 6th bills being dispensed with, and the same being engrossed :

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the clerk carry the said bills to the senate and request their concurrence.

A message from the senate by Mr. Crutcher :

Mr. Speaker,

The senate have adopted a resolution to amend the joint rules ; in which they request the concurrence of this house.

And then he withdrew.

A message from the senate by Mr. Williams :

Mr. Speaker,

The senate have passed a bill entitled an act for the benefit of James and Richard M. Johnson ; in which bill they request the concurrence of this house.

And then he withdrew.

Mr. Warfield from the joint committee of enrolments, reported that the committee had examined an enrolled bill entitled an act to establish the Bank of the Commonwealth of Kentucky.

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

Ordered, That Mr. Warfield inform the senate thereof.

Ordered, That a bill for the divorce of sundry persons with the amendments thereto, reported by the select committee to whom the same was referred, be recommitted to the committee of religion.

Engrossed bills of the following titles :—1. An act to erect election precincts in Mercer county ; 2. An act to establish the Louisville bridge company ; 3. An act to prevent the securities of sheriffs within this commonwealth from acting as their deputies ; 4. An act for the benefit of Cornelius Phillips ; 5. An act to amend an act entitled an act reserving certain property from execution, approved February 4th, 1815 ; 6. An act to amend an act entitled an act to reduce into one the several acts concerning wills, the distribution of intestates' estates, and the duty of executors and administrators, approved February 4th, 1797 ; and 7. An act to amend an act entitled an act directing certain surveyors to transcribe certain entry books, approved February 12th, 1820.

Were severally read a third time.

Resolved, That the 1st, 2d, 3d, 4th, 6th and 7th bills do pass ; that the titles of the 2d, 4th, 6th and 7th be as aforesaid ; that that of the first be amended to read, an act to erect election precincts in the counties of Mercer, Lincoln, Muhlenburg and Bath : and that of the third to read, an act to authorise the execution of process by coroners in certain cases.

Ordered, That the clerk carry the said bills to the senate and request their concurrence.

It was then moved and seconded to postpone the consideration of the fifth bill until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Noland and Cockerill, were as follows, viz.

Yeas—Messrs. Allen, Anderson, Berry, Blakey, Cassidy, S. D. Clark, Cooper, Cotton, Craig, Cunningham, Emerson, Garrard, Geohagan, Gordon, Harris, Hickman, Howard, Hughes, King, Lynch, Lyne, Munford, M'Affee, J. Patterson, Philips, Prewitt, Rudd, Selby, Sharp, Stevenson, Watkins, Wickliffe, Williams and Woods—34.

Nays—Messrs. Barnett, Boyd, Bray, Caldwell, Chisholm, Cockerill, Cravens, Farrow, Ferguson, French, Gaines, Gerard, Grundy, Henderson, Lancaster, Logan, Love, H. W. Moore, Mosley, Mullens, M'Millan, Noland, Parker, Patton, Payne, Piercy, N. P. Porter, Rife, Roberts, Sandford, Scott, Shacklett, Stone, Taylor, Townsend, Warfield, Wilcoxson and Winlock—38.

Ordered, That the said bill be recommitted to a select committee of messrs. Woods, French, Ferguson, Logan and No. land.

A message from the governor by Mr. Breckinridge, his secretary :

Mr. Speaker,

The governor did on this day approve and sign enrolled bills which originated in this house of the following titles :

An act to provide for the protection of public buildings.

An act to amend an act entitled an act to ascertain and run the division line between the counties of Woodford and Franklin.

An act for the relief of London Ferril and Rhoda his wife.

An act to amend an act for appropriating the vacant lands of this commonwealth.

An act supplemental to an act entitled an act for the benefit of the Grand Lodge of Kentucky.

An act for the benefit of Thomas Griffin.

An act to amend an act reducing into one the several acts for apprehending and securing runaways.

And then he withdrew.

Ordered, That Mr. Lancaster inform the senate thereof.

A message from the senate by Mr. Ward :

Mr. Speaker,

The senate have passed a bill entitled an act for the benefit of the sheriffs of Greenup and Lewis counties ; in which bill they request the concurrence of this house.

And then he withdrew.

A message from the senate by Mr. Lee, their secretary :

Mr. Speaker,

The senate have received official information that the governor did on the 28d instant approve and sign enrolled bills which originated in that house, of the following titles :

An act providing for the appointment of commissioners to confer with commissioners from Virginia to fix the point where the road leading from Mountsterling to the Virginia line shall cross it.

An act for the benefit of Philemon Waters.

An act authorising a change of venue in the case of William Chamberlaine.

An act concerning the duties of the register of the land office.

An act for the benefit of Jincy Dodds.

An act for the benefit of Catharine Wilkinson.

An act for the benefit of Ann Edins and Mary Folden.

An act for the benefit of the heirs of Robert Coleman and Moses Sharp, deceased.

An act for the benefit of Eli Mavel.

An act to repeal in part an act concerning county levies and certain officers' fees, passed February 8. 1815.

An act granting a divorce to Elizabeth Western.

An act for the benefit of the heirs and representatives of Robert Hindman, deceased.

They have passed bills which originated in this house of the following titles :

An act for the benefit of Jonathan Bozarth ; and an act for the benefit of the widow and heirs of John Spurlock, deceased.

And they have passed bills of the following titles :

An act to suspend the power vested in the governor and treasurer to subscribe on the part of the state for shares in the Bank of Kentucky ; an act to amend an act entitled an act concerning a house of public worship in the town of Frankfort ; an act to add part of Fleming to Nicholas county ; an act to amend the act for opening a road from Georgetown to Augusta ; an act to establish seminaries of learning in the counties of Monroe, Grant, Todd and Trigg ; and an act regulating suits on promissory notes and bills of exchange ; in which bills they request the concurrence of this house.

And then he withdrew.

A bill from the senate entitled an act for the benefit of James and Richard M. Johnson.

Was read the first time, and ordered to be read a second time.

Mr. M'Kee moved the following resolution, viz.

Resolved by the House of Representatives of the Commonwealth of Kentucky, That the president and directors of the Bank of Kentucky be requested to lay before this house, a list of the names, and the amount due by all the debtors and their endorsers of the principal institution respectively, as soon as the same can be made out.

Which being twice read, was laid on the table.

Mr. Payne read and laid on the table the following resolution, viz.

Be it resolved by the general assembly of the commonwealth of Kentucky, That when they adjourn on the twentieth December next, they will adjourn without day.

And then the house adjourned.

WEDNESDAY, NOVEMBER 29, 1820.

Mr. N. P. Porter presented the petition of sundry citizens of Gallatin county, praying that a law may pass to reduce the quantity of labor which they are compelled to perform on the road leading from the mouth of the Little Kentucky to Prestonsville.

And Mr. Craig presented the petition of sundry citizens of Clay, Knox and Rockcastle counties, praying for the formation of a new county out of a part of each of said counties.

Which petitions were severally received and read ; the first was committed to a select committee of messrs. N. P. Porter, Henderson, Ferguson, Cotton, and T. P. Moore ; and the question being taken on referring the second to the proper committee, it was decided in the negative, and so the said petition was rejected.

Mr. McMillan from the committee of propositions and grievances, made the following report, viz.

The committee of propositions and grievances, have according to order, had under consideration sundry petitions to them referred, and have come to the following resolutions thereupon, to wit :

Resolved, That the petition of the citizens of Caldwell county, praying for a division of said county by the line beginning at the corner of Trigg county ; thence to a point on the road from Princeton to Eddyville, seven miles from Princeton ; thence to the Livingston line, near Brayins, is reasonable.

Resolved, That the petition of the citizens of Caldwell county, praying for the division of said county by a line running with the Cumberland river, be rejected.

Resolved, That the petition of sundry citizens of Allen county, praying that a part of said county be added to Simpson county, is reasonable.

Which being severally twice read, the first and second resolutions were laid on the table, and the third concurred in.

Ordered, That the said committee prepare and bring in a bill pursuant to said third resolution.

Mr. Garrard from the committee of religion, made the following report, viz.

The committee of religion, have according to order had under consideration several petitions to them referred, and have come to the following resolutions thereupon, to wit :

Resolved, That the petition of Martha Dunlavy, representing that her husband in April 1819, abandoned her and joined the Shakers, praying for a divorce, is reasonable.

Resolved. That the petition of Polly Stewart, representing that her husband about eighteen months ago, abandoned her, went to another state and married another woman with whom he had previously lived in adultery, and praying for a divorce, is reasonable.

Which being twice read, were concurred in.

Ordered. That the said committee prepare and bring in bills pursuant to said resolutions.

Mr. Garrard from the same committee to whom was referred a bill for the divorce of sundry persons, reported the same with an amendment :

Which being twice read, was concurred in.

Ordered. That the said bill as amended, be engrossed and read a third time to-morrow.

Mr. Noland from the select committee to whom was referred an engrossed bill entitled an act to amend an act entitled an act reserving certain property from execution, approved February 4, 1815, reported the same with an amendment :

Which being twice read, was concurred in.

It was then moved and seconded to postpone the further consideration of said bill until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Shannon and Noland, were as follows, viz.

Yeas—Messrs. Allen, Anderson, Berry, Blakey, Boyd, Cassidy, S. D. Clark, Cooper, Cotton, Craig, Cunningham, Emerson, Garrard, Geohegan, Gordon, Hickman, Howard, Hughes, King, Lacey, Lynch, Lyne, Munford, J. Patterson, Phillips, O. C. Porter, Prewitt, Radd, Selby, Sharp, Stevenson, Stone, Wakefield, Watkins, Wickliffe and Williams—36.

Nays—Mr. Speaker, messrs. Barnett, Bray, Butler, Chisholm, Cockerill, Cravens, Crow, Farrow, Ferguson, Fletcher, French, Gaines, Gerard, Grundy, Hall, Henderson, Lancaster, Lee, Logan, Love, T. P. Moore, Mosley, Mullens, M'Affee, M'Kee, M'Millan, Noland, O'Bannon, Parker, W. Patterson, Patton, Payne, Piercy, N. P. Porter, Rife, Roberts, Ruffin, Sandford, Scott, Shacklett, Shannon, Taylor, Townsend, Warfield, Wilcoxson, Winlock and Woods—48.

It was then moved and seconded to amend the first section of said bill by expunging therefrom the words, “*not exceeding the value of thirty dollars.*” so as to exempt all the tools of each mechanic from execution.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. N. P. Porter and Cassidy, were as follows, to wit :

Yeas—Mr. Speaker, messrs. Allen, Barnett, Butler, Cassidy, Crow, Ferguson, Fletcher, French, Gaines, Hall, Henderson, Howard, Lee, Logan, Love, T. P. Moore, Mosley, M'Afee, M'Kee, M'Millan, Noland, O'Bannon, Parker, Patton, Piercy, N. P. Porter, Rife, Rudd, Sandford, Scott, Selby, Shacklett, Shannon, Spillman, Stevensen, Watkins, Wilcoxson, Winlock and Woods—40.

Nays—Messrs. Anderson, Berry, Blakey, Boyd, Chisholm, S. D. Clark, Cockerill, Cooper, Cotton, Craig, Cravens, Cunningham, Emerson, Farrow, Garrard, Gerard, Gordon, Grundy, Hickman, King, Lacey, Lancaster, Lynch, Lyne, Mullens, Munford, J. Patterson, W. Patterson, Payne, Philips, O. C. Porter, Prewitt, Roberts, Ruffin, Sharp, Stone, Taylor, Townsend, Wakefield, Warfield, Wickliffe, and Williams—42.

Ordered, That the said bill as amended, be engrossed and read a third time to-morrow.

Leave was given to bring in the following bills :

On the motion of Mr. Munford—1. A bill for the benefit of the 101st regiment of Kentucky militia.

On the motion of Mr. Allen—2. A bill to establish the Lindley academy in Henry county, and to incorporate trustees to said institution.

And on the motion of Mr. Love—3. A bill to amend the law relative to the turnpike and wilderness road.

Messrs. Munford, Garrard, Shacklett and Hall, were appointed a committee to prepare and bring in the first ; messrs. Allen, Henderson and Ferguson, the second ; and messrs. Love, Lancaster, Garrard, S. D. Clark, Sandford, Blakey, T. P. Moore and M'Millan, the third.

A message from the senate by Mr. Turner :

Mr. Speaker,

The senate have passed a bill which originated in this house entitled an act to add an additional number of trustees to the Warren seminary.

And then he withdrew.

Mr. Howard from the select committee appointed for that purpose, reported a bill to repeal an act to amend the law concerning the turnpike and wilderness road, approved February 10th, 1820.

Which was received and read the first time, and ordered to be read a second time.

The house took up the resolution from the senate fixing a day for the election of a president and directors to the Bank of Kentucky ; also, treasurer and public printer.

Which being twice read, and amended by striking out Thursday the 30th inst. and inserting Thursday the 7th December, was concurred in as follows, viz.

IN SENATE, November 23, 1820.

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will on Thursday the thirtieth instant, proceed to the election of a president and six directors of the Bank of Kentucky ; also, a treasurer and public printer.

Extract, &c. Att. WILLIS A. LEE, C. S.

Ordered, That Mr. Wickliffe inform the senate thereof, and request their concurrence in the said amendment.

The house took up a resolution laid on the table on yesterday by Mr. M'Kee, which was then amended and adopted as follows :

Resolved by the House of Representatives of the Commonwealth of Kentucky, That the president and directors of the Bank of Kentucky immediately lay before this house the amount and nature of the debts due and owing by the president, directors and officers of the mother bank, stating therein the nature of the debt and how secured, if by endorsment, the names of the endorsers.

Resolved, That they report to this house the amount of debts, and by whom owing, due the mother bank, noting opposite each man's name the amount of stock, if any, which each debtor owns in the institution, and amount of deposits by them in the bank.

On motion,

Ordered, That the committee of the whole house be discharged from a further consideration of a bill providing for the payment of debts by instalments ; and a bill to amend an act entitled an act to amend an act concerning occupying claimants of land ; and a bill to amend the attachment law.

The house took up the amendments reported by the select committee to a bill to authorise the establishing private pass-ways.

Which being twice read were concurred in.

Ordered, That the said bill as amended, be engrossed and read a third time to-morrow.

The amendment proposed to the bill to amend an act entitled an act to amend an act concerning occupying claimants

of land, was twice read and disagreed to, and the said bill being amended at the clerk's table,

Ordered, That the said bill as amended, be engrossed and read a third time to-morrow.

Leave was given to bring in the following bills :

On the motion of Mr. Anderson—1. A bill to establish and regulate the town of Elkton in the county of Todd.

On the motion of Mr. Crow—2. A bill to amend the law authorising William and James Newton to build a dam and water grist and saw-mill on Rough creek in Ohio county, approved February 5, 1819.

And on the motion of Mr. Watkins—3. A bill to regulate the salaries of the officers of the Bank of Kentucky and its branches.

Messrs. Anderson, Ruffin and O'Bannon, were appointed a committee to prepare and bring in the first ; messrs. Crow, Calhoun, Murray and Cunningham, the second ; and messrs. Watkins, Cockerill and Grundy, the third.

And then the house adjourned.

THURSDAY, NOVEMBER 30, 1820.

A message from the senate by Mr. Lee, their secretary :

Mr. Speaker,

The senate have adopted a resolution from this house requesting the president of the United States to negotiate with the British government relative to fugitive slaves belonging to citizens of the United States, who are now resident in the British North American Dominions. They have passed bills which originated in this house of the following titles : An act to erect election precincts in the counties of Mercer, Lincoln, Muhlenburg and Bath ; an act to amend an act entitled an act to provide for the sale of a part of the public ground in Georgetown ; an act to incorporate the directors of the Leesburg library company ; an act to amend an act to establish a turnpike road from Louisville to Portland and Shippingport ; an act authorising the appointment of constables in certain counties ; an act for the relief of Joshua Humphreys, administrator of James Hughes, deceased ; an act altering the line between Knox and Harlan counties ; and an act for the benefit of the heirs of Fortunatus Dale, with an amendment to the latter bill. And they have passed bills of the following titles : An act for the benefit of John M'Kinney, late deputy sheriff of Jessamine county ; an act for the bene-

fit of the sheriff of Caldwell county ; an act to establish an election precinct in Floyd county ; an act for the divorce of Cynthia Carter ; and an act to amend an act entitled an act to amend an act for the solemnization of matrimony ; in which amendment and bills they request the concurrence of this house.

And then he withdrew.

A message from the governor by Mr. Breckinridge, his secretary :

Mr. Speaker,

The governor did on yesterday approve and sign an enrolled bill which originated in this house entitled an act to establish the Bank of the Commonwealth of Kentucky.

And then he withdrew.

Ordered, That Mr. Lancaster inform the senate thereof.

Mr. N. P. Porter presented the petition of sundry citizens of Gallatin county, counter to that formerly presented, praying that a part of said county be stricken off, and added to the county of Boone.

Which was received and laid on the table.

Mr. M^r Millan from the committee of propositions and grievances, made the following report, viz.

The committee of propositions and grievances, have according to order, had under consideration sundry petitions to them referred, and have come to the following resolutions thereupon, to wit :

Resolved, That the petition of James Ellis, praying that a law may pass to grant him compensation for erecting a jail and stray pen when the seat of justice of Nicholas county was fixed at Ellisville, from whence it has since been removed without his consent, be rejected.

Resolved, That the petition of sundry citizens of the counties of Warren, Grayson and Hart, praying for the formation of a new county out of a part of each of said counties, be rejected.

Resolved, That the petition of Jane Lewis and Collins Lanier, administrators of William Lewis, deceased, praying that a law may pass to authorise a sale of a part of the real estate of said decedant for the purpose of paying his debts, is reasonable.

Which being severally twice read, were concurred in.

Ordered, That the said committee prepare and bring in a bill pursuant to the last resolution.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. M'Millan from the committee of propositions and grievances—1. A bill for the benefit of the widow and heirs of William Lewis, deceased; 2. A bill to add a part of Allen county to the county of Simpson.

By Mr. Anderson—3. A bill to establish and regulate the town of Elkton in the county of Todd.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision, and second and third readings of said bills being dispensed with, and the same being engrossed:

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Lynch carry the two former, and Mr. Anderson the latter bill to the senate and request their concurrence.

Mr. M'Afee from the committee of claims to whom was referred a bill for the benefit of Alexander M'Coy, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision and third reading of said bill being dispensed with, and the same being engrossed:

The question was then taken on the passage of said bill, which was decided in the affirmative.

The yeas and nays being required thereon by messrs. Noland and Cockerill, were as follows, viz.

Yeas—Mr. Speaker, messrs. Allen, Anderson, Barnett, Bedinger, Berry, Blakey, Boyd, Bray, Caldwell, Calhoun, Cassidy, Chisholm, S. D. Clark, Cotton, Crow, Cunningham, Emerson, Ferguson, Fletcher, French, Garrard, Gordon, Grundy, Hall, Henderson, Hickman, Howard, Hughes, Lacey, Lee, Love, Lynch, H. W. Moore, Mosley, Mullens, Munford, Murray, M'Afee, McKee, M'Millan, J. Patterson, Patton, Piercy, N. E. Porter, O. C. Porter, Prewitt, Rife, Rudin, Shannon, Sharp, Slaughter, Spillman, Stevenson, Stone, Wakefield, Warfield, Watkins, Wilcoxson, Williams and Woods—61.

Nays—Messrs. Butler, Cockerill, Cooper, Cravens, Farrow, Geohagan, King, Lancaster, Noland, O'Bannon, Parker, W. Patterson, Payne, Phillips, Roberts, Sandford, Scott, Selby, Shacklett, Taylor, Townsend, and Winlock—22.

Ordered, That the title of the said bill be as aforesaid, and that Mr. Prewitt carry the said bill to the senate and request their concurrence.

Mr. Garrard from the committee of religion, made the following report, viz.

The committee of religion, have according to order had under consideration the petition of Betsey Craig, representing that her husband, Benjamin Craig, has been guilty of cruel treatment toward her, and praying for a divorce, and have come to the following resolution thereupon, to wit:

Resolved, That the said petition, be rejected.

Which being twice read, and amended by striking out the words "be rejected," and inserting in lieu thereof, the words "is reasonable," was concurred in.

Ordered, That the said committee prepare and bring in a bill pursuant to said resolution.

A message from the senate by Mr. Ewing :

Mr. Speaker.

The senate have passed a bill which originated in this house entitled an act for the benefit of the heirs of Joseph Barnett, deceased, with an amendment, in which they request the concurrence of this house.

And then he withdrew.

Mr. McKee moved the following resolution, viz.

WHEREAS the president and directors of the Bank of Kentucky have expressed an unwillingness to lay before this house a list of the debtors to that institution under the apprehension that they would thereby incur a responsibility not justified by the charter under which they act: And whereas, the required information is essential to enable this house to discharge its duty in relation to the Bank of Kentucky, and it is right that said house should incur all responsibility which may be necessarily incurred in the discharge of those functions which are entrusted to it for the public good: Therefore,

Resolved by the House of Representatives, That the president and directors of the Bank of Kentucky, be requested to lay before this house the list of debtors already required from them, in a sealed letter, endorsed confidential; and that this house will assume upon itself the responsibility of using the said communication in any way which they may think expedient.

Which being twice read, was adopted.

Leave was given to bring in the following bills:

On the motion of Mr. Warfield—1. A bill to appoint trustees and regulate the town of Leesburg in Harrison county.

And on the motion of Mr. Slaughter—2. A bill supplemental to an act to establish the Bank of the Commonwealth of Kentucky.

Messrs. Warfield, Patton, Hickman and Hughes, were appointed a committee to prepare and bring in the first ; and messrs. Slaughter, Brents, Calhoun, M'Affee, M'Kee, Henderson, Allen and Ruffin, the second.

The house took up the amendments proposed by the senate to bills from this house of the following titles :

An act for the benefit of the heirs of Fortunatus Dale ; and an act for the benefit of the heirs of Joseph Barnett, deceased.

Which being severally twice read, were concurred in.

Ordered, That mr. Calhoun inform the senate thereof.

Engrossed bills of the following titles :—1. An act for classing tobacco in this commonwealth ; 2. An act to improve the navigation of the Ohio river from its mouth to Louisville ; 3. An act for the divorce of sundry persons ; 4. An act to amend an act entitled an act reserving certain property from execution, approved February 4, 1815 ; and 5. An act to authorise the establishing private passways,

Were severally read a third time ; the first was recommit-
ted to a select committee of messrs. Howard, Scott, Miller, M'Millan, M'Affee, Lancaster and Phillips ; and the second to a select committee of messrs. M'Affee, Ferguson, Murray, Crow and Calhoun.

Resolved, That the third, fourth and fifth bills do pass, and that the titles thereof be as aforesaid.

Ordered, That mr. Mosley carry the said bills to the senate and request their concurrence.

The yeas and nays being required on the passage of the third bill by messrs. Lancaster and M'Millan, were as follows, viz.

Yeas—Mr. Speaker, messrs. Bedinger, Blakey, Boyd, Bray, Calhoun, Chisholm, Cockerill, Cooper, Cotton, Craig, Cravens, Crow, Emerson, Farrow, Fletcher, Garrard, Gerard, Grundy, Hall, Hughes, King, Lee, Lynch, H. W. Moore, Mosley, Malleas, Murray, M'Affee, Noland, W. Patterson, Patton, Payne, Phillips, Prewitt, Rife, Ruffin, Selby, Stevenson, Stone, Taylor, Townsend, Wickliffe and Winlock—44.

Nays—Messrs. Anderson, Berry, Caldwell, Cassidy, S. D. Clark, Ferguson, Geobegan, Gordon, Henderson, Hickman, Howard, Lacey, Lancaster, Logan, Love, Lyne, Munford, M'Millan, Parker, N. P. Porter, Roberts, Rudd, Sandford, Scott, Shacklett, Shannon, Spillman, Todd, Wakefield, Warfield, Watkins, Wilcoxson, Williams and Woods

The yeas and nays being required on the passage of the fourth bill by messrs. Cockerill and Noland, were as follows, viz.

Yeas—Mr. Speaker, messrs. Barnett, Bray, Caldwell, Calhoun, Cockerill, Cravens, Crow, Farrow, Ferguson, Fletcher, French, Gerard, Grundy, Hall, Henderson, Lancaster, Lee, Logan, Love, Lyne, H. W. Moore, Mosley, Mullens, Murray, M'Affee, M'Millan, Noland, Parker, W. Patterson, Patton, Payne, Piercy, N. P. Porter, Roberts, Ruffin, Sandford, Scott, Shacklett, Shamon, Slaughter, Spillman, Taylor, Todd, Townsend, Warfield, Wilcoxson, Winlock and Woods—49.

Nays—Messrs. Allen, Anderson, Bedinger, Berry, Blakey, Boyd, Cassidy, S. D. Clark, Cooper, Cotton, Craig, Cunningham, Emerson, Garrard, Geobegan, Gordon, Hickman, Howard, Hughes, King, Lacey, Lynch, Mumford, J. Patterson, O. C. Porter, Prewitt, Rife, Rudd, Selby, Sharp, Stevenson, Stone, Wakefield, Watkins, Wickliffe and Williams—33.

The yeas and nays being required on the passage of the fifth bill by messrs. Scott and M'Millan, were as follows, viz.

Yeas—Mr. Speaker, messrs. Barnett, Bedinger, Bray, Caldwell, Cotton, Crow, Emerson, Farrow, Ferguson, French, Garrard, Geobegan, Gordon, Grundy, Hall, Henderson, Hickman, Howard, Hughes, King, Lacey, Lancaster, Lee, Logan, Love, Lynch, Lyne, H. W. Moore, Mosley, Mullens, Mumford, Murray, M'Affee, M'Millan, Noland, J. Patterson, W. Patterson, Payne, N. P. Porter, Prewitt, Rife, Roberts, Rudd, Selby, Shamon, Slaughter, Spillman, Stevenson, Stone, Taylor, Townsend, Wakefield, Warfield, Wickliffe, Wilcoxson, Williams and Woods—58.

Nays—Messrs. Allen, Boyd, Cassidy, Cockerill, Cooper, Cravens, Cunningham, Fletcher, Gerard O'Bannon, Parker, Piercy, Ruffin, Sandford, Scott, Shacklett, Todd and Winlock—18.

The following bills from the senate were severally read a third time, viz.—1. An act to alter and extend the term of the Montgomery circuit court, and to change the time of holding the Bath circuit court; 2. An act to amend an act entitled an act authorising certain justices of the county courts to grant injunctions, writs of ne exeat and habeas corpus, approved February 4, 1818; An act declaring Tradewater a navigable stream; 4. An act for the establishment of a road

from Frankfort to the Ohio river, opposite the town of Neville.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the clerk inform the senate thereof, and request their concurrence in the amendments proposed to the first, second and fourth bills.

And then the house adjourned.

FRIDAY, DECEMBER 1, 1820.

Mr. Butler presented the petition of Joseph and Thomas Rotch, praying that a law may pass to authorise the payment of 9000 dollars due them for a quantity of iron sold to the keeper of the penitentiary for the use of that institution.

Which was received, read and referred to the committee of claims.

Mr. Garrard presented the petition of Leslie Combs, captain of the Lexington Light Artillery Company, remonstrating against the passage of a bill from the senate entitled an act to remit certain militia fines.

Which petition, together with said bill (the rule of the house and second and third readings of which were dispensed with) was referred to the committee of propositions and grievances.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. M'Millan from the committee of propositions and grievances—1. A bill authorising John Ridgway to build a dam across Rough creek in Ohio county.

By Mr. M'Kee from the committee for courts of justice—2. A bill for the benefit of James Freeman.

By Mr. Munford—3. A bill for the benefit of the 101st regiment of Kentucky militia.

By Mr. M'Kee from the committee for courts of justice, as unfinished business of the last session—4. A bill for the benefit of John Tipton of the state of Indiana.

By Mr. M'Kee from the same committee—5. A bill for establishing and laying off a town at the Iron Banks.

By Mr. Garrard from the committee of religion—6. A bill for the divorce of Betsey Craig, Polly Stewart and Martha Dunlavy.

By Mr. Warfield—7. A bill to appoint trustees and regulate the town of Leesburg in Harrison county.

By Mr. Butler—8. A bill to provide for digesting the laws of this commonwealth.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second and third readings of the 2d, 6th and 7th bills being dispensed with, and the same being engrossed :

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Warfield carry the said bills to the senate and request their concurrence.

Ordered, That the public printers forthwith print 150 copies of the 5th bill for the use of the members of this house.

Mr. McKee from the committee for courts of justice, to whom was referred a bill for surveying the military lands west of the Tennessee river, reported the same with an amendment :

Which being twice read was concurred in.

Ordered, That the said bill as amended, be engrossed and read a third time to-morrow ; and that the public printers forthwith print 150 copies thereof, for the use of the members of this house.

Mr. Howard from the select committee to whom was referred an engrossed bill entitled an act for classing tobacco in this commonwealth, reported the same with amendments :

Which being severally twice read, were concurred in.

Ordered, That the said bill as amended, be re-engrossed and read a third time to-morrow.

The house then according to the standing order of the day, resolved itself into a committee of the whole house, Mr. Allen in the chair ; which being resumed by Mr. Speaker, Mr. Allen reported, that the committee had according to order, had under consideration a bill to amend an act for the relief of insolvent debtors, approved 14th February, 1820, and had gone through the same with an amendment :

Which being twice read, was concurred in.

Ordered, That the said bill as amended, be engrossed and read a third time to-morrow.

A message from the senate by Mr. Lee, their secretary :

Mr. Speaker,

The senate concur in the amendment proposed by this house to a resolution from that fixing a day for the election of a president and directors of the Bank of Kentucky, a treasurer and public printer. They disagree to the amendments pro-

posed by this house to bills from that of the following titles : An act to amend an act entitled an act authorising certain justices of the county courts to grant injunctions, writs of ne exeat an habeas corpus, approved February 4, 1818 ; and an act for the establishment of a road from Frankfort to the Ohio river, opposite the town of Neville. They disagree to a bill which originated in this house entitled an act to authorise the county court of Bracken to open a road through the out lots of Augusta. They have passed bills which originated in this house of the following titles : An act for the benefit of Samuel Teer ; an act to amend an act entitled an act to incorporate the Union circulating, and Fredericksburg social library companies ; an act to amend an act entitled an act directing certain surveyors to transcribe certain entry books, approved February 12, 1820 ; an act to legalize the proceedings of the Nelson county court, and for other purposes ; an act for the benefit of the heirs of Henry Talbot, deceased ; an act authorising the sale of part of the public ground in Morgantown ; an act for the benefit of the heirs of David C. Irvine, deceased ; an act for the relief of Taylor Noel ; and an act authorising the trustees of Elizabethtown to perform certain duties, with amendments to the two latter bills. And they have passed bills of the following titles : An act providing for the collection of debts due the penitentiary, and for other purposes ; an act to add part of Gallatin to Owen county ; an act authorising the auditor of public accounts to procure certain books and transcribe certain entries and memorandums ; an act for the benefit of Elijah King ; an act providing for the collection of the revenue of Harlan county for the year 1819 ; and an act authorising the register to perform certain duties ; in which amendments and bills they request the concurrence of this house.

And then he withdrew.

Mr. Lancaster from the joint committee of enrolments, reported that the committee had examined an enrolled bill entitled an act for the benefit of the heirs of Fortunatus Dale.

And had found the same truly enrolled,

Whereupon the speaker affixed his signature thereto.

Ordered, That Mr. Lancaster inform the senate thereof.

And then the house adjourned.

SATURDAY, DECEMBER 2, 1826.

Mr. S. D. Clark presented the remonstrance of the trustees of the Franklin academy, against granting the prayer of the petition of Littleberry Cotton and others.

Which was received, read and referred to the committee for courts of justice.

Mr. M'Millan from the committee of propositions and grievances, made the following report, viz.

The committee of propositions and grievances, have according to order, had under consideration the petition of sundry citizens of Greenup county, praying for the removal of the seat of justice for said county, to them referred, and have come to the following resolution thereupon, to wit:

Resolved, That the said petition, be rejected.

They have also had under consideration the bill from the senate entitled an act to remit certain militia fines, and have come to the following resolution thereupon, to wit:

Resolved, That the said bill ought not to pass.

Which being twice read, was concurred in.

The question was then taken on reading the said bill a third time, which was decided in the negative, and so the said bill was disagreed to.

Ordered, That Mr. M'Millan inform the senate thereof.

Mr. Stevenson presented the petition of the administratrix and heirs of Lewis Young, deceased, praying that a law may pass to authorise a conveyance to be made of a small piece of land sold by the decedant in his lifetime, but of which sale no written evidence remains.

Which was received, read and referred to a select committee of messrs. Stevenson, Hunter, Ferguson and Lancaster, giving said committee leave to report thereon by bill or otherwise.

Mr. Lancaster from the joint committee of enrolments, reported that the committee had examined enrolled bills and a resolution of the following titles:

An act for the benefit of Jonathan Bozarth; an act for the benefit of the widow and heirs of John Spurlock, deceased; an act to amend an act entitled an act to provide for the sale of a part of the public ground in Georgetown; an act to incorporate the directors of the Leesburg library company; an act to amend an act to establish a turnpike road from Louisville to Portland and Shippingport; an act for the benefit of the heirs of Joseph Barnett, deceased; an act authorising the appointment of constables in certain counties; an act for the relief of Joshua Humphreys, administrator of James Hughes, deceased; an act altering the line between Knox and Harlan counties; an act to add an additional number of trustees to the Warren seminary; and a resolution requesting the president of the United States to negotiate with the British government relative to fugitive slaves belonging to

citizens of the United States who are now resident in the British North American Dominions.

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

Ordered, That mr. Lancaster inform the senate thereof.

Mr. Wickliffe from the select committee to whom was referred a bill to amend the militia law, reported the same with an amendment :

Which being twice read, was disagreed to.

Ordered, That the said bill be recommitted to a select committee of messrs. M'Alce, Garrard, Cockerill, Stevenson, Rudd, Farrow and Butler.

A message from the senate by mr. Ewing :

Mr. Speaker,

The senate have passed a bill from this house entitled an act for the benefit of the heirs of Elijah Broadus, deceased.

And then he withdrew.

On the motion of mr. Hall,

Ordered, That leave be given to bring in a bill for the relief of Braxton B. Winn ; and that messrs. Hall, Garrard, Winlock and Cravens, prepare and bring in the same.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By mr. Crow—1. A bill for the benefit of grand jurors of this commonwealth ; 2. A bill to repeal in part the act entitled an act to authorise William and James Newton to build a dam and water grist and saw-mill on Rough creek in Ohio county, approved February 5, 1819.

By mr. N. P. Porter—3. A bill requiring the inhabitants of Prestonsville to work on a particular road.

By mr. Craig—4. A bill for the benefit of Elizabeth Sellers.

By mr. Sharp—5. A bill to establish a turnpike by the way of Williamsburg in Whitley county.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision, and second and third readings of the 3d, 4th and 5th bills being dispensed with, and the same being engrossed :

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the clerk carry the said bills to the senate and request their concurrence.

Leave was given to bring in the following bills :

On the motion of mr. Noland—1. A bill for the benefit of the heirs of Morgan Pitcher, deceased.

On the motion of Mr. Ruffin—2. A bill for the relief of settlers in certain cases.

On the motion of Mr. Slaughter—3. A bill for the relief of Kitty Feland.

And on the motion of Mr. M'Affee—4. A bill for the appropriation of money.

Messrs. Noland, Payne, Henderson, M'Kee, Fletcher and Howard, were appointed a committee to prepare and bring in the first; messrs. Ruffin, Watkins, Calhoun, Cravens, Slaughter and Logan, the second; messrs. Slaughter, Wickliffe, Blakey and M'Affee, the third; and messrs. M'Affee, Gerard, Logan, M'Kee, Garrard and Townsend, the fourth.

Ordered, That the committee of the whole house be discharged from the consideration of all business before them, and that the same be placed in the orders of the day.

The house proceeded to reconsider the amendments proposed to bills from the senate of the following titles: An act to amend an act entitled an act authorising certain justices of the county courts to grant injunctions, writs of ne exeat and habeas corpus, approved February 4, 1818; and an act for the establishment of a road from Frankfort to the Ohio river opposite the town of Neville.

Which being again severally twice read:

Resolved, That this house insist on their amendments to the former bill; and that they recede from their amendments proposed to the latter bill.

Ordered, That the clerk inform the senate thereof.

A message from the senate by Mr. Pope:

Mr. Speaker,

The senate have passed a bill which originated in this house entitled an act to incorporate the Louisville bridge company, with an amendment. And they have passed a bill entitled an act to amend the acts incorporating the Frankfort and Shelbyville, and the Shelbyville and Louisville turnpike road companies; in which amendments and bill they request the concurrence of this house.

And then he withdrew.

A message from the senate by Mr. M'Lean:

Mr. Speaker,

The senate have passed a bill from this house entitled an act for the benefit of the executors, widow and heirs of Christian Hahn.

And then he withdrew.

The house took up the amendments proposed by the senate to bills from this house of the following titles:

An act for the relief of Taylor Noel; an act authorising the trustees of Elizabethtown to perform certain duties; and an act to incorporate the Louisville bridge company.

Which being severally twice read, were concurred in with amendments to the last amendment proposed to the first bill.

Ordered, That the clerk inform the senate thereof, and request their concurrence in the said amendment.

A bill to authorise the printing and publishing the map of the land west of the Tennessee river,

Was read a second time, and ordered to be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision and third reading of said bill being dispensed with, and the same being engrossed:

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Wickliffe carry the said bill to the senate and request their concurrence.

A bill from the senate entitled an act for the benefit of James and Richard M. Johnson, was read a second time, and ordered to be read a third time.

And thereupon the rule of the house being dispensed with, the said bill was read a third time as follows, viz.

WHEREAS it is represented to the present general assembly, that the trustees of the town of Lexington have levied a tax on the factory in said town belonging to James and Richard M. Johnson, which factory is not yet in operation, and it being contrary to the policy of the state, if not contrary to the spirit and letter of the law, that domestic manufactories and their appurtenances should be incumbered with the payment of revenue or town tax: For remedy whereof, and for the purpose of giving due and proper encouragement to the advancement of said factory,

Be it enacted by the general assembly of the commonwealth of Kentucky, That the town tax levied by the trustees of the town of Lexington upon the lot of ground and factory or its machinery in the town of Lexington, the property of James and Richard M. Johnson, be, and the same is hereby declared void; and the collector or collectors of such tax assessed and collectable in the years one thousand eight hundred and nineteen and one thousand eight hundred and twenty, are hereby restrained from levying or distraining for, or otherwise collecting said tax, any law to the contrary notwithstanding.

And the question being taken on the passage of said bill, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by messrs. Wickliffe and Williams, were as follows, viz.

Yeas—Messrs. Anderson, Berry, Blakey, Boyd, Butler, Calhoun, Cassidy, S. D. Clark, Cockerill, Ferguson, Fletcher, Guines, Garrard, Gerard, Hickman, Howard, Hughes, Hunter, Lacey, Lee, Mosley, M'Afee, M'Kee, N. P. Porter, Ruffin, Sandford, Slaughter, Spillman, Stevenson, Stone, Todd and Warfield—32.

Nays—Messrs. Barnett, Bedinger, Bray, Caldwell, Cooper, Cotton, Craig, Cravens, Crow, Cunningham, Emerson, Farrow, French, Geohegan, Gordon, Grundy, Hall, Henderson, King, Lancaster, Lyne, Murray, M'Ehoy, M'Millan, Noland, Parker, Philips, Rife, Roberts, Scott, Shacklett, Townsend, Wakefield, Watkins, Wickliffe, Williams, Winlock and Woods—38.

Ordered, That the clerk inform the senate thereof.

A message from the governor by Mr. Breckinridge, his secretary :

Mr. Speaker,

The governor did on this day approve and sign enrolled bills and a resolution which originated in this house of the following titles :

An act altering the line between Knox and Harlan counties.

An act to amend an act to establish a turnpike road from Louisville to Portland and Shippingport.

An act authorising the appointment of constables in certain counties.

An act for the benefit of Jonathan Bozarth.

An act for the benefit of the widow and heirs of John Spurlock, deceased.

An act to incorporate the directors of the Leesburg library company.

An act to add an additional number of trustees to the Warren seminary.

An act to amend an act entitled an act to provide for the sale of a part of the public ground in Georgetown.

An act for the relief of Joshua Humphreys, administrator of James Hughes, deceased.

An act for the benefit of the heirs of Fortunatus Dale.

An act for the benefit of the heirs of Joseph Barnett, deceased.

A resolution requesting the president of the United States to negotiate with the British government relative to the fugi-

five slaves belonging to the citizens of the United States who are now resident in the British North American Dominions.

And then he withdrew.

Ordered, That Mr. Lancaster inform the senate thereof.

A message from the senate by Mr. Ward :

Mr. Speaker,

The senate have passed a bill which originated in this house entitled an act to establish and regulate the town of Elkton in the county of Todd. And they disagree to a bill which originated in this house entitled an act to authorise the service of process by coroners in certain cases.

And then he withdrew.

An engrossed bill entitled an act to amend an act entitled an act to amend an act concerning occupying claimants of land,

Was read a third time.

It was then moved and seconded to attach thereto the following engrossed section by way of ryder.

Be it enacted, That the successful claimant or claimants, may have his election to give up the land by him or them recovered, and discharge the judgments and claim against him or them for improvements.

And the question being taken on agreeing thereto, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Scott and Cassidy, were as follows, viz.

Yeas—Messrs. Anderson, Barnett, Bedinger, Berry, Boyd, Bray, Butler, Caldwell, Calhoun, Cooper, Cotton, Craig, Cravens, Crow, Cunningham, Emerson, Farrow, Ferguson, French, Garrard, Gerard, Gordon, Grundy, Henderson, Howard, Hunter, King, Lynch, Lyne, H. W. Moore, Mosley, Murray, M'Elroy, M'Kee, M'Millan, Noland, O'Bannon, W. Patterson, Payne, N. P. Porter, Rife, Ruffin, Sandford, Scott, Sharp, Slaughter, Spillman, Stevenson, Todd, Townsend, Wakefield, Watkins, Wickliffe, Winlock and Woods—55.

Nays—Messrs. Blakey, Cassidy, S. D. Clark, Fletcher, Gaines, Geohegan, Hall, Hickman, Hughes, Lacey, Lancaster, Lee, Munford, M'Asce, Parker, Philips, Roberts, Shacklett, Taylor, Warfield and Williams—21.

It was then moved and seconded to attach thereto the following engrossed clause by way of ryder, viz.

Be it further enacted, That at any time after the expiration of five years, specified in the 4th section of this act, the suc-

cessful claimant or claimants, shall, by paying the amount of the judgment for improvements with costs, have the benefit of the writ of *habere facias possessionem* : Provided however, that the said successful claimant or claimants, shall also, pay for any valuable and lasting improvements made on the land after the expiration of the said five years, before he shall be entitled to said writ of possession, to be ascertained by commissioners as aforesaid.

And the question being taken on agreeing thereto, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Roberts and Blakey, were as follows, viz.

Yeas—Messrs. Barnett, Berry, Boyd, Butler, Caldwell, Calhoun, Cotton, Crow, Cunningham, Emerson, Farrow, Ferguson, French, Gaines, Garrard, Grundy, Hickman, Howard, Hunter, Lyne, Mosley, Munford, Murray, M'Millan, Noland, Payne, Philips, N. P. Porter, Sandford, Scott, Slaughter, Spillman, Townsend, Wakefield, Warfield, Watkins, Wickliffe Williams and Woods—40.

Nays—Messrs. Bedinger, Blakey, Cassidy, S. D. Clark, Cooper, Craig, Cravens, Fletcher, Gerard, Geohegan, Hall, Henderson, Hughes, Lacey, Lancaster, Lee, Lynch, M'Afee, M'Elroy, O'Bannon, Parker, W. Patterson, Rife, Roberts, Shacklett, Sharp and Taylor—27.

The question was then taken on the passage of said bill, which was decided in the affirmative.

The yeas and nays being required thereon by messrs. Howard and Cassidy, were as follows, to wit :

Yeas—Messrs. Anderson, Bedinger, Berry, Blakey, Bray, S. D. Clark, Cooper, Craig, Cravens, Crow, Emerson, Farrow, Ferguson, Fletcher, French, Gaines, Garrard, Gerard, Geohegan, Hall, Henderson, Hickman, Hughes, Lacey, Lancaster, Lee, Lynch, Lyne, Mosley, Munford, M'Elroy, M'Millan, Parker, Philips, N. P. Porter, O. C. Porter, Rife, Roberts, Rudd, Shacklett, Sharp, Taylor, Todd, Townsend, Wakefield, Warfield, Watkins, Williams and Winlock—49.

Nays—Messrs. Barnett, Boyd, Butler, Caldwell, Calhoun, Cassidy, Cotton, Cunningham, Grundy, Howard, Hunter, Murray, M'Afee, Noland, O'Bannon, Payne, Sandford, Scott, Slaughter, Spillman, Wickliffe and Woods—22.

Ordered, That Mr. Warfield carry the said bill to the senate and request their concurrence.

Mr. Scott read and laid on the table the following resolution, to wit :

Resolved by the Senate and House of Representatives of the Commonwealth of Kentucky, That a committee of four from the senate and eight from the house of representatives, be, and they are hereby appointed for the purpose of laying off this state into Bank Districts, and that they report their proceedings to their respective houses by bill or otherwise.

And then the house adjourned.

MONDAY, DECEMBER 4, 1820.

The house took up the first and second resolutions reported by the committee of propositions and grievances on the 29th ultimo, relative to the division of Caldwell county.

Which being severally twice read, and the first resolution amended by striking out the words "is reasonable," and inserting in lieu the words "be rejected," were concurred in.

A message from the senate by Mr. Crutcher :

Mr. Speaker,

The senate disagree to a bill which originated in this house entitled an act to amend an act entitled an act reserving certain property from execution, approved February 4, 1815.

And then he withdrew.

Mr. Wickliffe from the select committee to whom was referred a bill to amend and extend the charter of the Bank of Kentucky, reported the same without amendment.

Ordered, That the said bill be laid on the table.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. M'Kee—1. A bill to repeal the act concerning champerty and maintenance, and reviving the law against pretended titles.

By Mr. Grundy—2. A bill to establish one or more counties on the southwest side of the Tennessee river out of the counties of Livingston and Caldwell.

By Mr. Wickliffe—3. A bill providing for the sale of the vacant lands west of the Tennessee river.

By Mr. Ruslin—4. A bill for the relief of settlers in certain cases.

By Mr. Watkins—5. A bill to regulate the salaries of the officers of the Bank of Kentucky and its branches.

Which bills were severally received and read the first time, and ordered to be read a second time.

Ordered, That the public printers forthwith print 150 copies of the second and third bills for the use of the members of this house.

Mr. Shannon presented the petition of Luke Usher, praying that a law may pass to authorise the repayment of certain taxes paid by him, in consequence of his losses by fire.

Which petition was received, read and referred to a select committee of messrs. Shannon, Payne, Butler, Murray, Fletcher and Howard, giving said committee leave to report thereon by bill or otherwise.

On the motion of Mr. Parker,

Ordered, That leave be given to bring in a bill allowing an additional justice of the peace in the county of Lewis to reside in the town of Clarksburg; and that messrs. Parker, S. D. Clark, O. C. Porter, Geohegan and Watkins, be appointed a committee to prepare and bring in the same.

A message from the senate by Mr. Pope :

Mr. Speaker,

The senate have passed a bill entitled an act forming two new judicial districts, and to regulate certain judicial districts; in which bill they request the concurrence of this house.

And then he withdrew.

A message from the senate by Mr. Owens :

Mr. Speaker,

I am directed by the senate to request permission to withdraw a bill and the report thereon which passed this house and was rejected in the senate, entitled an act to amend an act entitled an act reserving certain property from execution, approved February 4, 1815.

And then he withdrew.

Ordered, That leave be accordingly granted; and that Mr. Lancaster inform the senate thereof, and return said bill to the senate.

Mr. M'Affee read and laid on the table the following resolutions, viz.,

WHEREAS the General Assembly of the state of Kentucky, has viewed with much interest, the progress of the negotiations between the government of the U. States and Spain, and the conclusion of the late Treaty between them, by which the Floridas were ceded on the one hand, and the country lying west of the *Sabine* on the other. A spirit of great moderation and forbearance has uniformly characterized the American government, of which that treaty itself affords strong evidence, whilst Spain has constantly displayed an unwillingness to satisfy our *just demands*, and has resorted to the most unworthy evasions and procrastination. If the treaty referred to had been promptly ratified by Spain,

this General Assembly would have seen with regret the sacrifices which the U. States had made to concord and amity; but it would have been consoled by the reflection, that the Floridas had been obtained, an acquisition which it wishes, in common with the rest of the people of the United States. Notwithstanding the confidence with which we had a right (from the terms and conditions of the treaty) to anticipate the ready ratification of it by Spain, she has rejected it, and thereby *absolved the American government from all obligation to limit its just demands by the stipulations which it contains.* Conceiving that the right of the U. States to that part of Louisiana which lies between the *Sabine* and the *Rio del Norte*, is as clear as to any other part of that territory, and has been fully established; and considering that the Western country is deeply interested in the preservation of it, not merely on account of the value of the country itself, but because of the hazard to which (if it were in the hands of a foreign nation) New-Orleans and the outlets of the Mississippi might be exposed, the General Assembly, after all that has passed, would see with increased regret the revival of said Treaty: Therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators in Congress be instructed and our Representatives be requested (if said treaty be again laid before Congress, or either branch of it, to be ratified and carried into effect) to use their best efforts to obtain the rejection of it.

Resolved, That it is the opinion of this General Assembly, that the interest and safety of the U. States *forbid the relinquishment of their right to the country between the Sabine and the Rio del Norte.*

Resolved, That the Governor of this Commonwealth be requested to transmit copies of the foregoing resolutions to each of our Senators and Representatives in Congress, and that they be requested to lay the same before their respective houses.

Ordered, That the public printers forthwith print 150 copies of said resolutions for the use of the members of this house.

The house took up the amendments proposed by the senate to a bill from this house entitled an act for the relief of the heirs at law of John Walker, deceased:

which being severally twice read, were disagreed to.

Ordered, That Mr. Wickliffe inform the senate thereof.

A message from the senate by Mr. Ward :

Mr. Speaker,

I am directed by the senate to request permission of this house to withdraw a bill and the report thereon which passed this house and was rejected in the senate entitled an act to authorise the service of process by coroners in certain cases.

And then he withdrew.

Ordered, That leave be accordingly granted ; and that Mr. Hall inform the senate thereof, and return said bill to the senate.

A message from the senate by Mr. Throckmorton :

Mr. Speaker,

The senate have passed a bill from this house entitled an act to alter the time of holding the circuit court in Nicholas county.

And then he withdrew.

A message from the senate by Mr. Owens :

Mr. Speaker,

The senate concur in the amendment proposed by this house to the third amendment proposed by the senate to a bill from this house entitled an act for the relief of Taylor Noel, with an amendment. And they have passed a bill which originated in this house entitled an act to amend an act entitled an act to reduce into one the several acts concerning wills, the distribution of intestates' estates, and the duty of executors and administrators, approved February 4, 1797, with an amendment, in which they request the concurrence of this house.

And then he withdrew.

The said amendments were then taken up, twice read and concurred in with an amendment to the second amendment of the senate, proposed to the first bill.

Ordered, That Mr. French inform the senate thereof, and request their concurrence in the said amendment.

An engrossed bill entitled an act to amend an act for the relief of insolvent debtors, approved 14th February 1820, was read a third time.

And the question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. McAfee and Wickliffe, were as follows, viz.

Yeas—Messrs. Anderson, Barnett, Bedinger, Berry, Blakey, Bray, Brents, Caldwell, Calhoun, Cassidy, Chisholm, S. D. Clark, Cockerill, Cooper, Cotton, Craig, Cravens, Crow, Cunningham, Emerson, Farrow, French, Garrard,

Geobegan, Gordon, Grundy, Henderson, Hickman, Howard, Hunter, Lacey, Lancaster, Logan, Lynch, Lyne, Miller, Munford, Murray, M'Elroy, M'Kee, M'Millan, Noland, Parker, J. Patterson, W. Patterson, Payne, Piercy, Philips, O. C. Porter, Roberts, Rudd, Ruffin, Shacklett, Sharp, Spillman, Stevenson, Taylor, Townsend, Wakefield, Warfield, Watkins, Wickliffe, Williams and Woods—64.

Nays—Mr. Speaker, messrs. Boyd, Butler, Ferguson, Fletcher, Gaines, Gerard, Hall, Harris, Hughes, King, Lee, H. W. Moore, Mosley, Mullens, M'Affee, O'Bannon, Patton, N. P. Porter, Rife, Sandford, Scott, Shannon, Slaughter, Todd and Winlock—26.

Ordered, That the title of the bill be amended by adding thereto the words "and for other purposes."

Ordered, That Mr. Wickliffe carry the said bill to the senate and request their concurrence.

An engrossed bill entitled an act for classing tobacco in this commonwealth,

Was read a third time.

Resolved, That the said bill do pass, and that the title thereof be amended by adding thereto the words "and for other purposes."

Ordered, That Mr. Miller carry the said bill to the senate and request their concurrence.

A message from the senate by Mr. Owens :

Mr. Speaker,

The senate have passed a bill entitled an act to amend the act appropriating fines and forfeitures for the purpose of promoting education ; in which bill they request the concurrence of this house.

And then he withdrew.

An engrossed bill entitled an act to provide for surveying the military lands west of the Tennessee river,

Was read a third time.

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. M'Kee carry the said bill to the senate and request their concurrence.

Ordered, That the bill providing for the payment of debts by instalments, be committed to a select committee of messrs. French, M'Millan, Hall, N. P. Porter, Henderson, M'Kee, Gerard, Shannon, Logan and T. P. Moore ; and that a bill to amend an act entitled an act subjecting lands to the payment of debts, be laid on the table.

Ordered, That a bill to amend the law relative to executions, be recommitted to a select committee of messrs. M'Millan, Shannon, M'Affee, Logan, Ferguson, N. P. Porter, Green and Wickliffe.

A bill for the benefit of mechanics, was read a second time as follows, viz.

§ 1. *Be it enacted by the general assembly of the commonwealth of Kentucky*. That from and after the passage of this act, any person or his representatives, who shall build or erect any dwelling house, barn, stable or other out house, at the request and under contract with the person claiming or possessing the land on which said building shall be erected, shall have a lien on such dwelling house, barn, stable or other out house, and not exceeding one fourth part of an acre of ground on which such building shall be situated, for the amount of his claim for work and labor performed, materials furnished, and money expended on said building.

§ 2. *And be it further enacted*. That the said lien shall take precedence of all debts, judgments, executions, deeds, mortgages or other securities which shall, or may be had or executed by or against the person claiming or possessing the land on which such building has been erected, after the commencement of the work or expenditure on said building; and whenever any person so erecting or building any house as aforesaid or his representatives, shall have obtained a judgment or decree against the person claiming or possessing the land as aforesaid, or his representatives, for the amount of his work and labor, materials or money, performed, furnished or expended on said building, he may cause his execution to be levied on said building, and not exceeding one fourth part of an acre of land, on which the same proceedings shall be had as in other cases of execution.

§ 3. *And be it further enacted*. That whenever the said building and not exceeding one fourth part of an acre of land shall be sold on execution as aforesaid, the overplus of the price after satisfying the debt and lien of said builder, and costs, shall be paid to the person against whom such execution issued, and the sheriff's deed shall convey to the purchaser all the right and interest, legal and equitable, of the person claiming and possessing said house and land, at whose instance the said building was erected at the time of the commencement of said building: *Provided however*, that if suit is not commenced by said builder within one year after the finishing of said building, the lien given by this act, shall cease and be void as to all *bona fide* purchasers and contractors.

It was then moved and seconded to postpone the further consideration of said bill until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Shannon and Wickliffe, were as follows, viz.

Yeas—Messrs. Anderson, Barnett, Bedinger, Berry, Blakey, Boyd, Brents, Cassidy, Cockerill, Cooper, Cotton, Crow, French, Gaines, Garrard, Gordon, Green, Harris, Hickman, Howard, Hughes, King, Logan, H. W. Moore, T. P. Moore, Munford, Murray, M'Afee, Noland, Parker, Payne, Piercy, Philips, Rife, Roberts, Sharp, Stevenson, Stone, Wickliffe, Williams, Winlock and Woods—42.

Nays—Mr. Speaker, messrs. Bray, Butler, Caldwell, Calhoun, Chisholm, S. D. Clark, Craig, Cunningham, Emerson, Farrow, Ferguson, Gerard, Geobegan, Grundy, Hall, Henderson, Hunter, Lacey, Lancaster, Lee, Lynch, Mullens, M'Elroy, M'Kee, M'Millan, O'Bannon, J. Patterson, O. C. Porter, Prewitt, Rudd, Ruffin, Sandford, Scott, Shacklett, Shannon, Slaughter, Spillman, Taylor, Townsend and Watkins—41.

And then the house adjourned.

TUESDAY, DECEMBER 5, 1820.

Mr. M'Millan from the committee of propositions and grievances to whom was referred a bill to add a part of Casey county to the county of Mercer, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time to-morrow.

Mr. Todd presented the memorial of Luke Munsell relative to publishing another or other additions of his map of Kentucky, and containing propositions to the legislature to enable him to do so.

Mr. King presented the petition of sundry citizens of Cumberland and Wayne counties, praying for the formation of a new county out of a part of each of said counties.

And Mr. Lyne presented the petition of the president, directors and company of the Bank of Henderson, praying for a remission of the tax or bonus imposed upon said bank by the charter of said institution for the use of the state for the year 1819.

Which petitions were severally received and read ; the first was committed to a select committee of messrs. Todd, Brents, Fletcher, Logan, M'Asce and M'Kee, giving said committee leave to report thereon by bill or otherwise ; the second and third were laid on the table, the notices accompanying the second being deemed insufficient.

Mr. Lancaster from the joint committee of enrolments, reported that the committee had examined enrolled resolutions and bills of the following titles :

A resolution fixing a day for the election of a president and directors of the Bank of Kentucky ; also, a treasurer and public printer ; an act allowing an additional number of constables' districts in certain counties ; an act for the benefit of James Hays, sen. and Thomas Hendrick, sen. ; an act declaring Tradewater a navigable stream ; an act to alter and extend the terms of the Montgomery circuit court, and to alter the time of holding the Bath circuit court ; an act to establish and regulate the town of Princeton ; an act to regulate the town of Somerset ; an act for the benefit of the judge of the twelfth judicial district ; an act to alter the time of holding the circuit court in Nicholas county ; an act for the benefit of Samuel Teer ; an act to erect election precincts in the counties of Mercer, Lincoln, Mühlenburg and Bath ; an act for the benefit of the heirs of Elijah Broadus, deceased ; an act to amend an act entitled an act directing certain surveyors to transcribe certain entry books, approved February 12, 1820 ; an act authorising the trustees of Elizabethtown to perform certain duties ; an act to legalize the proceedings of the Nelson county court and for other purposes ; an act for the benefit of the heirs of Henry Talbot, deceased ; and an act authorising the sale of part of the public ground in Morgantown.

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

Ordered, That Mr. Lancaster inform the senate thereof.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. Noland—1. A bill for the benefit of the heirs of Morgan Pitcher, deceased.

By Mr. Ferguson—2. A bill to amend an act entitled an act to establish a hospital in the town of Louisville.

By Mr. N. P. Porter—3. A bill to incorporate the New-Liberty library company.

By Mr. Miller—4. A bill to repeal in part an act entitled an act providing for the removal of obstructions to the navigation of Floyd's fork.

By Mr. Bedinger—5. A bill to repeal in part an act entitled an act to amend and continue in force for a longer period the charter of the Bank of Kentucky, and for other purposes.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, and second and third readings of the first, third and fourth bills being dispensed with, and the same being engrossed :

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. N. P. Porter carry the said bills to the senate and request their concurrence.

Mr. Cassidy from the majority on the vote by which a bill for the benefit of mechanics was postponed until the first day of June next, moved for a reconsideration of said vote :

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Berry and Gordon, were as follows, viz.

Yeas—Mr. Speaker, messrs. Butler, Calhoun, Cassidy, Chisholm, S. D. Clark, Craig, Cravens, Cunningham, Emerson, Ferguson, Grundy, Hall, Henderson, Lacey, Lancaster, Lee, Mercer, T. P. Moore, Mosley, M'Elroy, M'Kee, M'Millan, O'Bannon, J. Patterson, Patton, N. P. Porter, O. C. Porter, Prewitt, Rudd, Sandford, Scott, Shacklett, Shannon, Taylor, Townsend, Warfield and Watkins—38.

Nays—Messrs. Anderson, Barnett, Bedinger, Berry, Blakey, Boyd, Bray, Caldwell, Cockerill, Cotton, Crow, Fletcher, Gaines, Garrard, Gerard, Geohegan, Gordon, Green, Harris, Hickman, Howard, Hunter, King, Logan, Love, Lynch, Lyne, Miller, H. W. Moore, Mullens, Munford, Murray, M'Acce, Noland, Parker, W. Patterson, Payne, Piercy, Roberts, Ruffin, Selby, Sharp, Spillman, Stevenson, Stone, Todd, Wakefield, Wickliffe, Williams, Winlock and Woods—51.

A message from the senate by Mr. Barbee :

Mr. Speaker,

The senate have passed a bill entitled an act for transcribing certain surveys on treasury warrants in Green county ; in which they request the concurrence of this house.

And then he withdrew.

Mr. M'Millan from the select committee to whom was referred a bill to amend the law relative to executions, reported the same with sundry amendments.

The second section of said bill, to which the first amendment applies, was then read as follows, viz.

§ 2. *And be it further enacted*, That it shall and may be lawful for any person, his heirs, executors, administrators or grantees, whose lands or tenements shall be sold after the passage of this act, by virtue of any execution within ——— from and after such sale, to redeem such lands or tenements, by paying to the purchaser thereof, his executors, administrators or assigns, or to the sheriff, other officer or deputy, who sold the same, for the benefit of such purchaser, &c. the sum of money, or such bank paper, which by indorsement, he she or they may have agreed to receive in payment, which may have been paid on the purchase thereof, together with ——— per cent. interest thereon, from the time of said sale; and upon such payment being made, the said sale and the certificate granted thereon, shall be null and void; and in case the sheriff, other officer or deputy, shall fail to pay the money so received by him to the person entitled thereto, he and his securities shall be liable to judgment on motion in the same manner as for money collected on executions; and no such sale shall be valid, unless the sheriff, other officer or deputy, shall tender the certificate above described, to the purchaser of the lands or tenements sold, and shall return a duplicate thereof, as before prescribed.

The amendment which proposes to insert after the word "*money*" in the second section the words "*or such bank paper which by endorsement, he, she or they may have agreed to receive in payment,*" was also twice read.

And the question being taken on agreeing thereto, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Green and M'Millan, were as follows, viz.

Yea.—Mr. Speaker, messrs. Anderson, Bedinger, Berry, Blakey, Boyd, Bray, Butler, Cassidy, Chisholm, Cockerill, Cooper, Craig, Cravens, Crow, Emerson, Fletcher, French, Gaines, Gerard, Gordon, Hall, Harris, Henderson, Hughes, King, Lee, Logan, Lynch, Mercer, H. W. Moore, Mosley, Mullens, Munford, Murray, M'Afee, M'Millan, W. Patterson, Patton, Piercy, N. P. Porter, O. C. Porter, Rife, Roberts, Rudd, Ruffin, Sandford, Scott, Shacklett, Shannon, Sharp,laughter, Taylor, Todd, Townsend, Wickliffe and Winlock—57.

Nays.—Messrs. Barnett, Caldwell, Calhoun, S. D. Clark, Cotton, Cunningham, Ferguson, Garrard, Geohegan, Green, Grundy, Hickman, Howard, Hunter, Lacey, Lancaster, Love,

T. P. Moore, M'Elroy, Noland, Parker, J. Patterson, Payne, Prewitt, Selby, Spillman, Stone, Wakefield, Warfield, Williams and Woods—51.

The remaining amendments proposed by the committee to said bill being concurred in :

Mr. Wickliffe then moved further to amend the second section thereof, as amended, by inserting after the word "sale" in the ninth line, the following proviso :

Provided however, If the purchaser or creditor who shall have redeemed the estate under the provisions of this act, shall refuse to accept bank paper of the kind which he paid for the property when tendered to him within the period prescribed by this act, the defendant or any creditor, shall have the further time of ——— months to redeem the same in money.

And the question being taken on agreeing thereto, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Wickliffe and H. W. Moore, were as follows, viz.

Yeas—Messrs. Barnett, Bedinger, Berry, Boyd, Bray, Butler, S. D. Clark, Cockerill, Cotton, Craig, Cravens, Cunningham, Emerson, French, Gaines, Garrard, Gerard, Green, Grundy, Hall, Hickman, Howard, Hunter, King, Lacey, Lancaster, Logan, Love, Miller, T. P. Moore, Murray, M'Elroy, O'Bannon, Parker, Payne, Piercy, Philips, Prewitt, Ruffin, Scott, Selby, Spillman, Stevenson, Stone, Todd, Townsend, Wakefield, Warfield, Watkins, Wickliffe, and Woods—51.

Nays—Mr. Speaker, messrs. Anderson, Blakey, Cassidy, Chisholm, Cooper, Crow, Farrow, Ferguson, Fletcher, Geohagan, Gordon, Harris, Henderson, Lee, Lynch, H. W. Moore, Mosley, Mullens, Munford, M'Affee, M'Millan, Noland, J. Patterson, W. Patterson, Patton, N. P. Porter, O. C. Porter, Rife, Roberts, Sandford, Shacklett, Shannon, Sharp, Slaughter, Taylor, Williams and Winlock—38.

The question was then taken on engrossing the said bill and reading it a third time to-morrow, which was decided in the affirmative.

The yeas and nays being required thereon by messrs. Gerard and Howard, were as follows, viz.

Yeas—Mr. Speaker, messrs. Anderson, Bedinger, Berry, Blakey, Boyd, Bray, Butler, Cassidy, Chisholm, S. D. Clark, Cockerill, Cooper, Craig, Cravens, Cunningham, Farrow, Ferguson, Fletcher, French, Gaines, Garrard, Gerard, Green, Harris, Henderson, Hickman, Hughes, Lacey, Lancaster, Lee, Logan, Love, Miller, T. P. Moore, Mosley,

Mullens, Munford, Murray, M'Affee, M'Elroy, M'Millan, O'Bannon, Patton, Payne, Piercy, N. P. Porter, Rife, Roberts, Rudd, Ruffin, Sandford, Scott, Shacklett, Shannon, Sharp, Slaughter, Spillman, Stevenson, Taylor, Todd, Warfield, Wickliffe, Winlock and Woods—65.

Nays—Messrs. Barnett, Cotton, Crow, Emerson, Gehegan, Gordon, Grundy, Hall, Howard, King, Lynch, H. W. Moore, Noland, Parker, J. Patterson, W. Patterson, Philips, O. C. Porter, Prewitt, Selby, Stone, Townsend, Wakefield, Watkins and Williams—25.

A message from the senate by Mr. Pope :

Mr. Speaker,

The senate recede from their disagreement to the amendment proposed by this house to a bill from the senate entitled an act to amend an act entitled an act authorising certain justices of the county courts to grant injunctions, writs of ne exeat and habeas corpus, approved February 4, 1818, and agree to said amendment.

And then he withdrew.

A message from the governor by Mr. Breckinridge, his secretary :

Mr. Speaker,

I am directed by the governor to lay before this house a message in writing.

And then he withdrew.

The said message was then taken up and read as follows, viz.

Gentlemen of the Senate,

And of the House of Representatives,

I submit to your consideration copies of the following communications, which were received by my predecessor in office, after the adjournment of the last session of the general assembly. A letter from the Executive of the state of New Jersey, enclosing a resolution of the legislature of that state, not concurring in an amendment to the constitution of the U. States, proposed by the state of Pennsylvania. Also, a letter from the secretary of state of the state of Tennessee, containing a resolution of its legislature concurring in said proposed amendment. A letter from the secretary of state of the United States requesting a complete copy of the laws of this commonwealth now in force, and such as may hereafter be published under its authority. And a letter from the secretary of state of the state of Connecticut, communicating

the in telligence of his having in obedience to a resolution of the legislature, transmitted a copy of a map of that state.

I am Gentlemen,

With due respect, yours.

JOHN ADAIR.

STATE OF NEW-JERSEY,

Council Chamber, February 16, 1820. }

Resolved by the Legislative Council and General Assembly of the State of New-Jersey, That they do not concur in the amendment to the constitution of the United States, proposed to the consideration of the several states by the state of Pennsylvania, which is as follows, viz.

“ Congress shall make no law to erect or incorporate any bank or other monied institution, except within the District of Columbia; and every bank or other monied institution, which shall be established by the authority of congress, shall, together with its branches and offices of discount and deposit, be confined to the District of Columbia.”

Resolved, That the governor of this state, be requested to transmit copies of the foregoing resolution to the Executives of the several states, with a request that they lay the same before the legislatures thereof.

HOUSE OF ASSEMBLY, February 18, 1820.

Read and concurred in by the House.

By order of the House,

DAVID THOMPSON, JR. Speaker.

COUNCIL CHAMBER, February 16, 1820.

By order of Council,

ISAAC H. WILLIAMSON, President.

STATE OF TENNESSEE,

In General Assembly 29th Nov. 1819. }

Resolved by the General Assembly of the State of Tennessee, That a resolution adopted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, proposing the following amendment to the constitution of the United States, to wit:

“ Congress shall make no law to erect or incorporate any bank or other monied institution, except within the District of Columbia; and every bank or other monied institution, which shall be established by the authority of congress, shall, together with its branches and offices of discount and deposit, be confined to the District of Columbia,” be, and the same is hereby concurred with.

Resolved. That our senators in congress be instructed and our representatives in congress, be requested to use their exertions to procure the adoption of the foregoing amendment.

Resolved. That the governor be requested to transmit copies of the foregoing resolutions and proposed amendment, to each of our senators and representatives in congress.

JAMES FENTRES, Speaker of the H. R.
R. WEAKLY, Speaker of the Senate.

Attest,

T. J. CAMPBELL, Clerk of the H. Representatives.
JAMES K. POLK, Clerk of the Senate.

MURFREESBOROUGH, (TEN.) 27th Dec. 1819.

SIR,

In the absence of his Excellency, Governor M'Minn, I have the honor of forwarding to you, the enclosed copies of certain resolutions, adopted by the general assembly of this state at their late session.

I am, very respectfully,

Your obedient servant.

DANIEL GRAHAM, Sec. of State.

DEPARTMENT OF STATE, }
Washington, Dec. 28, 1819. }

HIS EXCELLENCY THE GOVERNOR OF KENTUCKY.

SIR,

It is made by law, the duty of the Secretary of State of the United States, to procure from time to time the statutes of the several states of the Union. This duty has heretofore been discharged by my predecessors in this office, but many of the volumes procured by them have been accidentally lost; and I am endeavoring to supply the imperfection of the collection as far as circumstances will permit. The representatives in congress from each state, have often occasion to consult the laws of their respective states; and that they may have the means of reference to them, it is necessary, not only that the collection of statutes heretofore enacted should be complete, but that those enacted from time to time by the legislature should be received.

I take the liberty of addressing your Excellency, to request the favor of being supplied with a copy of the statutes which may from session to session be enacted by the legislature of Kentucky, and published by their authority. Four copies of the laws of Massachusetts, are from session to session transmitted by a standing order of the legislature, to the seat of

the General Government : One for the use of each of the two houses of congress ; one for the President of the U. States ; and one for the library of congress.

I venture to suggest, that a similar order from all the other states would be found conducive to the benefit of the whole nation, and peculiarly useful for occasional reference by the representation of the several states in the councils of the Union.

I have the honor to be,

Very respectfully, sir,

Your most humble and obedient servant,

JOHN QUINCY ADAMS.

STATE OF CONNECTICUT,

Secretary's Office, August 1st, 1820. }

SIR,

I have the honor to inform you, that in obedience to a resolution of the legislature of this state, I have transmitted to you a copy of a map of this state, lately published by messrs. Hudson and Goodwin. It was forwarded here by Mr. Leicester King of Warren, Trumbull county, Ohio. Mr. King will leave it with Col. William Anderson of Pittsburgh, Pennsylvania, who will take care that it be immediately sent to Lexington.

I have the honor to be,

With great respect,

Your Excellency's humble servant,

THOS. DAY, Sec. of State.

His Excellency the Governor of Ky.

A message from the senate by Mr. Lee, their secretary :
Mr. Speaker,

The senate insist on their amendment proposed to a bill which originated in this house entitled an act for the relief of the heirs at law of John Walker, deceased. They disagree to bills which originated in this house of the following titles : An act for the divorce of sundry persons ; and an act for the benefit of Elizabeth Sellers. And they have passed bills which originated in this house of the following titles : An act for the benefit of the seminary in Whitley county ; an act to add a part of Allen county to the county of Simpson ; an act for the benefit of James Freeman ; an act to appoint trustees and regulate the town of Leesburg in Harrison county ; an act requiring the inhabitants of Prestonsville to work on a

particular road ; and an act to establish a turnpike road by the way of Williamsburg in Whitley county.

And then he withdrew.

A message from the senate by Mr. Crutcher :

Mr. Speaker,

The senate have passed a bill entitled an act authorising the trustees of the Hardin academy to sell their donation lands ; in which bill they request the concurrence of this house.

And then he withdrew.

And then the house adjourned.

WEDNESDAY, DECEMBER 6, 1820.

Mr. Allen presented the petition of sundry citizens of Henry county, praying for the remission of the tax on a tavern license, granted by the county court of said county to Thomas Robertson, who lost an arm at the battle of Mississinniway, in the late war.

Which was received, read and referred to the committee for courts of justice.

Mr. M'Kee from the committee for courts of justice, made the following report, viz.

The committee for courts of justice to whom was referred the petition of sundry persons claiming lands west of the Tennessee river by virtue of entries made on treasury warrants, and praying that they may be permitted to survey and occupy the land—Report,

That before the passage of the act of the general assembly of the commonwealth of Virginia, reserving the lands west of the Tennessee river for her officers and soldiers, individuals had entered 278,302 acres thereof by virtue of treasury warrants ; that 146,180 acres thereof, have been surveyed and carried into grant, and 131,540 acres remains unsurveyed. The claimants of the land granted, pray to be permitted to enter on, and possess the land, and the claimants of the land that has not been surveyed, pray that they may be permitted to execute surveys on their entries, and obtain grants thereon ; and that means may be procured by law for the examination and determination of their claims by the judicial authority of the commonwealth. The committee are of opinion that provision ought to be made by law for enabling the claimants to have their claims examined and decided on by the courts of the commonwealth : They, therefore, recommend the adoption of the following resolutions :

1. *Resolved*, That provision ought to be made by law for the examination and final determination of all claims to land west of the Tennessee river, where the commonwealth is a party.

2. *Resolved*, That no grant ought to issue to claimants under treasury warrants west of the Tennessee river before the question of right is examined and decided by the judicial authority.

Which being twice read, was concurred in.

The question being taken on the adoption of said resolutions, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. J. Clark and N. P. Porter, were as follows, viz.

Yeas—Mr. Speaker, messrs. Allen, Anderson, Barnett, Bedinger, Blakey, Bray, Brents, Butler, Caldwell, Calhoun, Cassidy, S. D. Clark, Cooper, Cotton, Crow, Emerson, Farrow, Ferguson, Fletcher, French, Gaines, Garrard, Gerard, Geohegan, Gordon, Green, Grundy, Hall, Harris, Henderson, Hickman, Howard, Hunter, King, Lacey, Lancaster, Lee, Logan, Love, Lynch, Mercer, Miller, H. W. Moore, T. P. Moore, Mosley, Mullens, Munford, Murray, M'Afee, M'Elroy, M'Kee, M'Millan, Noland, Parker, J. Patterson, W. Patterson, Patton, Payne, Piercy, Phillips, Roberts, Ruffin, Sandford, Scott, Selby, Shacklett, Slaughter, Spillman, Stone, Todd, Townsend, Wakefield, Warfield, Wickliffe, Williams, Winlock and Woods—78.

Nays—Messrs. Berry, Chisholm, J. Clark, Cockerill, Craig, Lyne, N. P. Porter, O. C. Porter, Rife, Rudd, Shannon, Stevenson, Taylor and Watkins—14.

Ordered, That the said committee prepare and bring in bills pursuant to said resolutions.

A message from the senate by Mr. Jones :

Mr. Speaker,

The senate have passed a bill from this house entitled an act to amend an act entitled an act reserving certain property from execution, approved February 4, 1818, with an amendment ; in which amendment they request the concurrence of this house.

And then he withdrew.

The Speaker laid before the house a letter addressed to him marked confidential.

On motion,

The galleries were then cleared and the doors closed. The doors being again opened.

Mr. M'Kee moved the following resolution, viz.

Resolved, That the president and directors of the Bank of

Kentucky, be, and they are hereby requested to lay before this house the amount of debts due by the directors and officers of the Bank of Kentucky in the principal bank and the branches thereof; and also, state the time the debt was contracted, so far as they may have any information in relation thereto.

Which being twice read, was adopted.

And then the house adjourned.

IN THE HOUSE OF REPRESENTATIVES DEC. 6, 1820.

IN SECRET SESSION.

The communication handed in by the Speaker, marked "CONFIDENTIAL," was taken up; a motion being made to read said communication, and the reading thereof being commenced, a motion was then made by Mr. Green that the doors be now opened. The Speaker decided that the reading of said communication being called for, and the reading having commenced, a motion for opening the doors would not supersede said call for the reading while the member insisted on his call, but that the reading should be had.

An appeal was taken from the decision of the chair. The question was then taken, is the decision of the chair correct? which was decided in the affirmative.

The said communication was then read as follows, to wit:

BANK OF KENTUCKY, 6th Dec. 1820.

SIR,

I enclose agreeably to the order of the board, the list requested by the first resolution of the house of representatives. That desired in the second resolution, has employed more time in its preparation than was expected, and is not yet completed.

I am, respectfully, sir,

Your most obedient servant,

ROBT. ALEXANDER, *Pres.*

*The Hon. the Speaker
of the House of Representatives.*

GE 236.]

Amount.	Nature of debt.	Amt. stock.	How secur- ed.	Amt. taxa- ble proper- ty.
4900	Robert	note 26 shs.	By endors'mt.	57960
1500	John B	do. 6	ditto	70000
500	D	do.	ditto	
1500	D	do.	ditto	
1500	D	do.	ditto	
100	D	do.	bank stock	
2000	Georg	do. 7	endorsement	31852
1000	D	do.	ditto	
800	D	do.	ditto	
1200	D	do.	ditto	
5000	D	exc'g.	do. & real est.	
2500	D	do.	ditto	
1120	John J	note 16	endorsement	9100
540	D	do.	ditto	
450	John I	do. 5	bank stock	10500
100	D	do.	endorsement	
1400	John F	do. 80	bank stock	5500
5000	Alex.	do. 5	endorsement	14500
240	D	do.	bank stock	

Amount.	Drawer's name.	Endorsers' names.	Nature of debt.	Amt. stock.	How secured.	Amt. taxable property.
4900	Robert Alexander	Jephthah Dudley, Nathaniel Hart	note 26 shs.	By endors'mt.		57960
1500	John Brown	P. W. Brown, Robert Alexander	do. 6	ditto		70000
500	Do.	P. W. Brown	do.	ditto		
1500	Do.	Do. and John Harvie	do.	ditto		
1500	Do.	P. W. Brown, Robert Alexander	do.	ditto		
100	Do.	Bank stock	do.	bank stock		
2000	George M. Bibb	P. G. Voorhies, J. A. Mitchell	do. 7	endorsement		31852
1000	Do.	J. A. Mitchell	do.	ditto		
800	Do.	M. D. Hardin	do.	ditto		
1200	Do.	P. G. Voorhies, A. J. Mitchell	do.	ditto		
5000	Do.	John T. Pendleton, John H. Hanna	Exc'g.	do. & real est.		
2500	Do.	C. S. Todd, J. T. Pendleton	do.	ditto		
1120	John J. Crittenden	John Harvie, R. Wilkinson	note 16	endorsement		9100
540	Do.	L. Wilkinson, R. Wilkinson	do.	ditto		
450	John M. Foster	Bank stock	do. 5	bank stock		10500
100	Do.	R. Wilkinson	do.	endorsement		
1400	John Harvie	Bank stock	do. 80	bank stock		5500
5000	Alex. J. Mitchell	Harrison Blanton, T. A. Marshall	do. 5	endorsement		14500
240	Do.	Bank stock	do.	bank stock		
1500	John M'Kinney, jr.	Henry Crittenden, A. B. Hamilton	do. 5	endorsement		23000
5000	Achilles Sneed	Bank stock	do. 60	bank stock		50000
400	Do.	Do.	do.	ditto		
2300	Do.	John Harvie, John M. Foster	do.	endorsement		
1200	Benjamin Taylor	Smith and Starling, Joseph Taylor	do. 32	ditto		32900
300	Do.	M. D. Hardin	do.	ditto		
2000	Do.	Joseph Taylor, Samuel Lewis	do.	ditto		
1000	Do.	Joseph Taylor	do.	ditto		
500	Do.	Do.	do.	ditto		
2000	Isham Talbot	Bank stock	do. 100	bank stock		
1100	O. G. Waggener	Do.	do. 15	ditto		8500
100	Do.	John M. Foster	do.	endorsement		
1050	Do.	Chapman Coleman, Jacob Swigert	do.	ditto		
2500	Do.	M. D. Hardin, Richard Taylor, jr.	do.	ditto		70000
2000	Daniel Weisiger	Jephthah Dudley, Richd. Taylor, jr.	do. 5	ditto		
1200	Do.	John Brown, M. D. Hardin	do.	ditto		
600	Do.	Robert Alexander	do.	ditto		
500	Do.	Nathaniel Hart	do.	ditto		
650	Do.	Willis A. Lee, Robert Alexander	do.	ditto		10000
2950	Harrison Blanton	Benj. W. Dudley, Jephthah Dudley	do.	ditto		
2230	Do.	J. and P. Dudley, John M. Foster	do.	ditto		
3200	Do.	Anderson Miller, Jephthah Dudley	do.	ditto		
3000	Do.	Benj. W. Dudley, A. J. Mitchell	do.	ditto		
2000	Do.	J. and P. Dudley, William Gerard	do.	ditto		14191
100	William S. Waller	William Gerard	do.	ditto		
1500	Do.	Stephen Waller, John Mason, jr.	do.	ditto		
2000	Do.	Henry Clay, Nathaniel Hart	do.	ditto		
100	Do.	William Gerard	do.	ditto		
1300	Do.	Stephen Waller, John Mason, jr.	do.	ditto		
400	Robt. Wilkinson	Langston Bacon, Richd. Apperson	do.	ditto		
400	Do.	Langston Bacon, Joseph Smith	do.	ditto		
2000	John M'Kinney, jr.	Lexington Branch Bank				
2250	John J. Crittenden	Russellville Branch Bank				

Mr. M'Kee moved the following resolution, viz.

Resolved, That the doors be now opened, and that the injunction of secrecy be taken off.

Which being twice read, was adopted.

THURSDAY, DECEMBER 7, 1820.

A message from the governor by Mr. Breckinridge, his secretary :

Mr. Speaker,

The governor did on yesterday approve and sign enrolled bills which originated in this house of the following titles :

An act to erect election precincts in the counties of Mercer, Lincoln Muhlenburg and Bath.

An act to legalize the proceedings of the Nelson county court, and for other purposes.

An act to alter the time of holding the circuit court in Nicholas county.

An act for the benefit of the heirs of Elijah Broadus, deceased.

An act for the benefit of the heirs of Henry Talbot, deceased.

An act authorising the trustees of Elizabethtown to perform certain duties.

An act authorising the sale of part of the public ground in Morgantown.

An act for the benefit of Samuel Teer.

An act to amend an act entitled an act directing certain surveyors to transcribe certain entry books, approved February 12, 1820.

And then he withdrew.

Ordered, That Mr. Lancaster inform the senate thereof.

Mr. N. P. Porter moved to expunge from the journal of yesterday, so much thereof, as contains the communication from the president of the Bank of Kentucky, enclosing the pay list of the president, directors and officers of the principal bank.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. N. P. Porter and Shacklett, were as follows, to wit :

Yeas—Messrs. Fletcher, H. W. Moore, Noland, N. P. Porter, O. C. Porter, Rife and Winlock—7.

Nays—Mr. Speaker, messrs. Allen, Anderson, Barnett, Bedinger, Berry, Blakey, Boyd, Bray, Brents, Butler, Caldwell, Calhoun, Cassidy, Chisholm, J. Clark, S. D. Clark, Cockerill, Cooper, Cotton, Craig, Cravens, Crow, Cunningham, Emerson, Farrow, Ferguson, French, Gaines, Garrard, Gerard, Geohagan, Gordon, Green, Grundy, Hall, Harris, Henderson, Hickman, Howard, Hughes, Hunter, King, Lacey, Lancaster, Lee, Logan, Love, Lynch, Lyne, Miller, T. P. Moore, Mosley, Mullens, Munford, Murray, M'Alce, M'Elroy, M'Kee, M'Millan, O'Bannon, J. Patterson, W. Patterson, Payne, Piercy, Philips, Prewitt, Roberts, Rudd, Ruffin, Sandford, Scott, Selby, Shacklett, Shannon, Sharp, Slaughter, Spillman, Stevenson, Stone, Taylor, Todd, Townsend, Wakefield, Warfield, Watkins, Wilcoxson, Williams and Woods—89.

Mr. M'Kee from the committee for courts of justice, made the following report, viz.

The committee for courts of justice have according to order, had under consideration sundry petitions to them referred, and have come to the following resolutions thereupon, to wit :

Resolved, That the petition of Betsey Horton, praying a donation of fifty acres of vacant land in Lincoln county on which she resides, is reasonable.

Resolved, That the petition of James Brown, praying that a law may pass authorising him to sell a negro slave, conveyed to him in trust by William Philips for the benefit of his wife and children, to satisfy him for money advanced for them, be rejected.

Resolved, That the petition of the administrators and widow of Daniel Talbot, deceased, praying that a law may pass to authorise a sale of part of the real estate of the deceased for the payment of his debts, be rejected.

Resolved, That the petition of Littleberry Cotton and others, representing that they made a purchase of certain lands belonging to the trustees of the Franklin seminary from Willis Morgan, their attorney in fact, which sale the trustees refuse to ratify, and praying that a law may pass confirming the sale, and to render valid the acts of said Morgan in pursuance of his authority, be rejected.

Resolved, That the petition of sundry citizens of Henry county, praying for the remission of the tax on a tavern license, granted by the county court of said county to Thomas Robertson, who lost an arm at the battle of Mississinneway in the late war, be rejected.

Which being severally twice read, the 1st, 2d, 3d and 5th resolutions (the fifth being amended by striking out the words "be rejected," and inserting in lieu thereof the words "is reasonable,") were concurred in; and the fourth was laid on the table.

Ordered, That the said committee prepare and bring in bills pursuant to the first and fifth resolutions.

On motion,

Ordered, That Mr. Edwin Hord have leave to withdraw his petition and papers accompanying the same.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. M'Kee from the committee for courts of justice—

1. A bill for the benefit of Betsey Horton.

By Mr. Stevenson—2. A bill for the benefit of the heirs of Lewis Young, deceased.

And by Mr. Allen—3. A bill to establish the Lindley academy in Henry county, and incorporate trustees to that institution.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second and third readings of said bills being dispensed with, and the same being engrossed :

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Allen carry the said bills to the senate and request their concurrence.

A message from the senate by Mr. Ewing :

Mr. Speaker,

The senate have passed a resolution fixing on a day for the election of a president and directors to the Bank of the Commonwealth; in which resolution they request the concurrence of this house.

And then he withdrew.

Mr. Brents from the select committee appointed for that purpose, reported a bill supplementary to an act to establish the Bank of the Commonwealth of Kentucky.

Which was received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house and second reading of the bill being dispensed with, the same was laid on the table.

Ordered, That the public printers forthwith print 150 copies of said bill for the use of the members of this house.

Mr. Butler from the committee to whom was referred so much of the governor's message as relates to education, and the Transylvania University, made the following report :

The committee to whom was referred so much of the governor's message as relates to learning and the Transylvania University, beg leave to make the following report :

Your committee would regard it as impertinent and intrusive, at this advanced period of the world, to attempt an argument before the enlightened representatives of a free and growing community, for the purpose of convincing them of the importance of fostering & nursing science in a *republican government*.

That the character of a nation may be moulded and controlled by moral causes, will not be denied ; for nations are but a mass of individuals, whose characters are exclusively dependant upon those causes. The ancient Romans were distinguished for their hardy courage, disinterestedness and love of country, as the modern Romans are, for their avarice, effeminacy and servility. The government of ancient Rome, was a great school where the noblest public virtues were constantly inculcated ; but barbarity overturned the school, and its moral effects have ceased with the causes that produced them. Its heroic and highminded disciples have degenerated into cowardly, voluptuous and refined barbarians. It has been said by the enlightened Montesquieu, that "most of the ancients lived under governments that had virtue for their principle ; and when this was in full force, they performed actions unusual in our times, and at which our narrow minds are astonished ; but virtue is a self renunciation, which is ever arduous and painful ; it is consequently in a republican government, that the whole force of education is required."

We, therefore, respectfully submit it as our opinion, that the rulers of a republican people, can in no other way so effectually strengthen the pillars of their government—can in no other way achieve so much towards eternizing their liberties, as by patronizing schools and enlightening the minds of their citizens, that they may know their rights, and be prepared to defend them.

With these preliminary remarks, we beg leave to introduce to your attention and patronage, the Transylvania University. Upon examination into the condition of that institution, we are gratified to find it flourishing beyond calculation, and almost beyond example.

The library, though recently much increased by the muni-

fluence of private individuals, is far from comprising such an Encyclopedia as is essential to a university of learning.

The philosophical apparatus, as will appear from the letter of Professor Bishop to whom is entrusted that department of science, has never been sufficient for a complete course of experiments and instruction.

The number of students in the various departments, is something upwards of three hundred, who yield to the institution the sum of \$5,900, which added to a subscription of \$1,500 from the citizens of Lexington, makes the aggregate income of the present year, \$7,400.

Although this may seem a considerable income, yet owing to the heavy expences necessarily incurred in building, purchasing books, apparatus, &c. and more especially owing to the unexpected repeal of the charter of the Farmers and Mechanics' Bank of Lexington, by which the bonus amounting to about \$2,400 per annum previously granted to the Transylvania University, was lost to that institution—the income of the present year, will not cover the current expenses by the sum of \$2,270, as will satisfactorily appear by the expose made out by one of the trustees which is submitted together with this report, and from which it will further appear that there are about \$4000 due to private creditors who are urging immediate payment.

Your committee taking into consideration the immense sums of money which have been hitherto annually drained from the commonwealth for the education of the youth of our state in the eastern schools, and moreover, contemplating the immense sums which might be not only saved, but actually gained to Kentucky by the establishment of such an institution of learning as would, whilst it detained our own young men at home, at the same time invite those of our neighboring states to resort to it for education, and believing that (unless the generosity of the legislature is interposed to prevent it) this now flourishing and hopeful university, must inevitably stop short in its progress to eminence and usefulness, do not hesitate to recommend a liberal endowment of the Transylvania University as a measure of long-sighted policy and lasting economy. And as a more emphatic expression of their sentiments upon this subject, they beg leave to submit to your consideration the following resolution:

Resolved, That the sum of \$7000 be loaned from the treasury to the trustees of the Transylvania University for — years without interest.

Which was received and read :

The resolution reported by said committee, was then twice read and disagreed to.

A message from the senate by MR. OWENS :

Mr. Speaker,

The senate have adopted a resolution relating to the election of president and directors to the Bank of Kentucky ; in which resolution they request the concurrence of this house.

And then he withdrew.

The said resolution was then taken up, twice read and concurred in as follows, viz.

IN SENATE, December 7, 1820.

Resolved by the General Assembly of the Commonwealth of Kentucky, That in voting for a president and directors of the Bank of Kentucky, they will first vote for a president ; and after he is elected, they will then vote for six directors, dropping the person having the smallest number of votes, until six shall obtain a majority of all the votes given.

Att.

WILLIS A. LEE, C. S.

Ordered, That Mr. Farrow inform the senate thereof.

Mr. Love nominated Mr. Martin D. Hardin as a proper person to fill the office of president of the Bank of Kentucky ; Mr. T. P. Moore nominated Mr. John Harvie ; and Mr. Shannon nominated Mr. Robert Alexander.

Ordered, That Mr. Farrow inform the senate thereof, and that this house is now ready to proceed by a joint vote with the senate to the said election.

A message from the senate by MR. EWING :

Mr. Speaker,

I am directed by the senate to inform this house, that they are now ready by a joint vote with this house to proceed to the election of a president to the Bank of Kentucky ; and that the same gentlemen stand on the nomination in the senate for that office as those reported from this house.

And then he withdrew.

The house then proceeded to the said election, and upon taking a vote, Mr. Martin D. Hardin obtained 40 votes ; Mr. John Harvie 45 ; and Mr. Robert Alexander 14.

Messrs. M'Millan, Cassidy, M'Afee and Fletcher, were appointed a committee to meet a committee to be appointed on the part of the senate, to compare the votes, and report in whose favor a majority should appear.

The said committee then retired, and after a short time returned, when Mr. M'Millan reported that the joint vote stood thus :

For Mr. Hardin, 49 ; For Mr. Harvie, 58 ; and for Mr. Alexander, 50.

No one having a majority of all the votes, the house proceeded to a second vote between the two standing highest on the first vote.

Upon which Mr. Martin D. Hardin obtained 45 votes, and Mr. John Harvie, 54.

The committee again retired, and after a short time reported that the joint vote stood thus :

For Mr. John Harvie, 77 ; and for Mr. Martin D. Hardin, 60.

Whereupon, Mr. John Harvie having a majority of all the votes, was declared duly elected.

A message from the senate by Mr. Ewing :

Mr. Speaker,

I am directed by the senate to inform this house that they are now ready by a joint vote with this house, to proceed to the election of six directors to the Bank of Kentucky ; and that messrs. Achilles Sneed, John M'Kinney, jr. John M. Foster, Richard Taylor, jr. Joseph C. Breckinridge, Peter Dudley and Silas M. Noel, stand on the nomination before the senate for those offices.

And then he withdrew.

Mr. Townsend nominated Mr. Charles Miles, and Mr. Rife nominated Mr. Preston W. Brown, as proper persons to fill the office of directors to the Bank of Kentucky.

Ordered, That Mr. Wickliffe inform the senate thereof, and that this house is now ready to proceed to the said election.

The house then proceeded to the said election ; and upon taking a vote, Mr. John M'Kinney, jr. obtained 86 votes ; Mr. Peter Dudley, 91 ; Mr. Richard Taylor, jr. 54 ; Mr. Silas M. Noel, 23 ; Mr. Joseph C. Breckinridge, 94 ; Mr. Achilles Sneed, 91 ; Mr. Preston W. Brown, 37 ; Mr. Charles Miles, 23 ; and Mr. John M. Foster, 89.

Messrs. Wickliffe, Logan, Miller and Lacey, were appointed a committee on the part of this house to meet a committee to be appointed on the part of the senate, compare the votes and report the joint vote to this house. After a short time Mr. Wickliffe reported that the joint vote stood thus :

For Mr. John M'Kinney, 114 ; Peter Dudley, 124 ; Silas M. Noel, 39 ; Joseph C. Breckinridge, 127 ; Achilles Sneed, 127 ; Preston W. Brown, 44 ; Charles Miles, 31 ; John M. Foster, 122 ; Richard Taylor, jr. 88.

Whereupon, messrs. Breckinridge, Sneed, Dudley, Foster,

MPKinney and Taylor having the highest number (and each a majority of all the votes) were declared duly elected.

Mr. Gerard nominated Mr. Samuel South as a proper person to fill the office of treasurer to this commonwealth, and messrs. Kendall and Russells as public printers.

Ordered, That Mr. Howard inform the senate of the said nominations, and that this house is now ready to proceed to the said election.

A message from the senate by Mr. Ewing :
Mr. Speaker,

The senate are now ready by a joint vote with this house, to proceed to the election of a treasurer and public printer, and the same gentlemen stand on nomination before the senate for those offices as those reported from this house, with the addition of Mr. J. H. Holeman, who is nominated for the office of public printer.

And then he withdrew.

The house then proceeded to the said election ; and after having taken a vote for treasurer, in which Mr. Saml. South received an unanimous vote, and a vote for public printer ; messrs. Stevenson, Calhoun, T. P. Moore and Murray, were appointed a committee on the part of this house to meet a committee from the senate, to compare the votes, and report in whose favor a majority should appear.

The said committee then retired, and after a short time returned, when Mr. Stevenson reported that Mr. Samuel South had an unanimous vote for treasurer ; and that the joint vote for public printers, stood thus :

For messrs. Kendall and Russells, 114 ; J. H. Holeman, 13.

Whereupon, Mr. Samuel South was declared duly elected treasurer ; and messrs. Kendall and Russells, public printers.

Leave was given to bring in the following bills :

On the motion of Mr. Cockerill—1. A bill to amend an act entitled an act to regulate sales of property under executions, approved February 11th, 1818.

And on the motion of Mr. Wickliffe—2. A bill to amend the law concerning sheriffs and their deputies.

Messrs. Cockerill, Fletcher, Brents, Grundy and Cunningham, were appointed a committee to prepare and bring in the first ; and messrs. Wickliffe, French, Butler and Cotton, the second.

Mr. French from the select committee to whom was refer.

red a bill to provide for the payment of debts by instalments, reported the same with an amendment.

Ordered, That the said bill and amendment, be laid on the table ; and that the public printers forthwith print 150 copies of said amendment, for the use of the members of this house.

The Speaker laid before the house a letter from Robert Alexander, Esq. President of the Bank of Kentucky, containing a report made from said institution in pursuance of a resolution of this house, which are in the following words :

BANK OF KENTUCKY, 7th Dec. 1820.

SIR,

In compliance with the resolution of the house of representatives of yesterday's date, I now transmit a list of the debts due by the president, directors and officers of the Bank of Kentucky to the bank or any of the branches, as far as the reports received will enable me to ascertain them.

By the by-laws of the institution, neither the president nor any director of the mother bank is permitted to obtain a loan from any branch ; where such appears, it must have been obtained prior to the appointment of the borrower to the office of director. As the reports from the branches contain only the names of the borrowers and the amount of their respective debts, I can neither say what the amount of the debt may be, nor the security received for its payment.

The reports from the branches specify only the debts which amount to, or exceed one hundred dollars ; but I am requested by W. S. Waller, the cashier, to state that he has a loan from the Washington Branch Bank, of nine hundred dollars, and the same sum from the Danville Branch.

It will require much time to draw up a complete statement of the debts due by the president, directors and officers at different periods, the only method by which a view of their fluctuations can be given. I have therefore directed the clerk to select those periods from which the debts specified have continued nearly uniform, as the time at which they were contracted : They have in most, perhaps in every instance, undergone variations both before and since.

I am, respectfully, sir,

Your most obedient servant,

ROBT. ALEXANDER, *Presi.*

*The Hon. the Speaker
of the House of Representatives.*

Amt.	Drawer's name.	Date of Debt.
4900	Robert Alexander	21st Dec. 1813
1500	John Brown	21st Sept. ditto
500	Do.	ditto
1500	Do.	ditto
1500	Do.	ditto
100	Do.	ditto
2000	George M. Bibb	17th Feb. 1815
1000	Do.	12th March do.
800	Do.	26th Jan. ditto
1200	Do.	12th Apl. ditto
5000	Do. Bill Exc'g	26th Sept. 1813
2500	Do. do.	11th Feb. ditto
1120	John J. Crittenden	7th Apl. 1820
540	Do.	1st Dec. 1819
2250	Do. R. B. Bk.	
450	John M. Foster	21st March 1820
*400	Do.	11th Jan. ditto
100	Do.	24th July ditto
1400	John Harvie	6th June ditto
5000	Alex. J. Mitchell	20th Sept. 1816
240	Do.	
1500	John M'Kinney, jr.	23rd Jan. 1820
2000	Do. L. B. Bk.	
5000	Achilles Sneed	24th Aug. 1819
400	Do.	20th Dec. ditto
2300	Do.	14th March 1820
1200	Benjamin Taylor	24th June 1817
300	Do.	20th July 1818
2000	Do.	25th Nov. 1817
1000	Do.	23rd May ditto
500	Do.	2nd Sept. 1818
2000	Isham Talbot	4th do. ditto
1100	O. G. Waggener	4th May 1819
100	Do.	7th Dec. ditto
1050	Do.	15th Sept. 1820
2500	Do.	4th July 1819
2000	Daniel Weisiger	1st May 1808
1200	Do.	5th do. ditto
600	Do.	21st Aug. 1813
500	Do.	17th Dec. 1807
650	Do.	1st June 1805

*This note was omitted in the list transmitted yesterday, by the inadvertence of the clerk.

Amt.	Drawer's name.	Date of Debt.
2950	Harrison Blanton	10th Aug. 1819
2230	Do.	18th Oct. 1818
3200	Do.	4th Jan. 1820
3000	Do.	7th May 1819
2000	Do.	1st Feb. 1814
100	William S. Waller	16th May 1815
1500	Do.	12th March 1811
2000	Do.	15th do. ditto
100	Do.	6th June 1815
1300	Do.	20th Feb. 1818
400	Robt. Wilkinson	4th do. 1820
400	Do.	2nd Aug. ditto

Mr. Wickliffe from the select committee appointed for that purpose, reported a bill to amend the law concerning sheriffs and their deputies.

And then the house adjourned.

FRIDAY, DECEMBER 8, 1820.

Mr. Howard from the committee of privileges and elections, made the following report, which was received and read, viz.

The committee of privileges and elections, have according to order, had under consideration the returns from the sheriffs of the several counties within this commonwealth; and having examined the same, have agreed to the following report, to wit :

It appears to this committee that the following gentlemen were returned as duly elected to serve as members of the house of representatives for the present general assembly, to wit :

From the county of Adair, Benjamin Selby and William Patterson.

From the county of Allen, Johnston J. Cockerill.

From the county of Boone, Moses Scott.

From the county of Butler, Oliver C. Porter.

From the county of Bath, Thomas Fletcher.

From the counties of Barren and Monroe, Michael W. Hall and Joseph Winlock.

From the county of Bullitt, Lewis Wilcoxson.

From the county of Breckinridge, David R. Murray.

From the county of Bracken, John H. Rudd.

From the county of Bourbon, John L. Hickman, James Garrard and Thomas Hughes.

From the counties of Christian and Trigg, James Ruffin and James C. Cravens.

From the county of Cumberland, Edwards King and Lemuel Williams.

From the county of Campbell, Alfred Sandford.

From the county of Clark, William M'Millan and Richard French.

From the county of Casey, Christopher Rife.

From the county of Clay, James Love.

From the county of Caldwell, John Mercer.

From the county of Daviess, Warner Crow.

From the county of Estill, Jesse Noland.

From the county of Fayette, Percival Butler, George Shannon and Henry Payne.

From the county of Floyd, David K. Harris and Richard Lee.

From the counties of Franklin and Owen, William Gerard and John H. Todd.

From the county of Fleming, John Taylor and Michael Cassidy.

From the county of Greenup, Francis H. Gaines.

From the county of Gallatin, Nathaniel P. Porter.

From the county of Grayson, William Cunningham.

From the county of Green, Samuel Brents and Benjamin Chisholm.

From the county of Garrard, Samuel M'Kee and James Spillman.

From the county of Henderson, Leonard H. Lyne.

From the county of Hopkins, William Gordon.

From the county of Hardin, Benjamin Shacklett and John H. Geohegan.

From the county of Hart, Richard I. Munford.

From the county of Henry, Charles H. Allen and Isham Henderson,

From the county of Harrison, Benj. Warfield and James Patton.

From the county of Jefferson, Samuel Bray, James Ferguson and Maurice L. Miller.

From the county of Jessamine, William Caldwell and James Clark.

From the counties of Knox and Harlan, Andrew Craig.

From the counties of Lincoln and Rockcastle, John Green and Schuyler Barnett.

From the county of Lewis, William B. Parker.

From the county of Logan, Presley N. O'Bannon and Henley W. Moore.

From the county of Livingston, John Berry.

From the county of Muhlenburg, Edmund Watkins.

From the county of Mason, Walter Lacey, Septimus D. Clark and William B. Philips.

From the county of Mercer, Thomas P. Moore, George C. Thompson and Robert B. M'Afee.

From the county of Montgomery, Alexander S. Farrow and Thomas Mosley.

From the county of Madison, Thomas C. Howard, James Stone and Archibald Woods.

From the county of Nelson, Charles A. Wickliffe, Henry Cotton and William Wakefield.

From the county of Nicholas, Daniel P. Bedinger and Henley Roberts.

From the county of Ohio, John Calhoun.

From the county of Pulaski, George B. Cooper.

From the counties of Pendleton and Grant, Stephen Mullens.

From the county of Simpson, William Lynch.

From the county of Scott, Valalien Prewitt and James Patterson.

From the county of Shelby, George Piercy, William G. Boyd and William Logan.

From the county of Todd, John S. Anderson.

From the county of Union, James Townsend.

From the county of Whitley, John F. Sharp.

From the county of Warren, James M. Blakey and Robert F. Slaughter.

From the county of Woodford, Thomas Stevenson and William S. Hunter.

From the county of Washington, William Grundy, John Lancaster and Samuel M'Elroy.

From the county of Wayne, Walter Emerson.

Mr. Hall from the committee appointed for that purpose, reported a bill for the relief of Braxton B. Winn.

Which was received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second and third readings of said bill being dispensed with, and the same being engrossed :

Resolved, That the said bill do pass, and that the title thereof be as aforeaid.

Ordered, That Mr. Hall carry the said bill to the senate and request their concurrence.

Mr. Slaughter from the committee to whom was referred so much of the governor's message as relates to lunatics and the Fayette Hospital, made the following report, viz.

The committee to whom was referred that portion of the governor's message which relates to the care and safekeeping of lunatics and persons of unsound mind; and also, the committee appointed to examine the Lexington Hospital, and to ascertain the practicability and expediency of purchasing the same to found thereon a public lunatic hospital, have entered upon the duties thus assigned them.

Your committees considering their duties intimately connected with each other, and both tending to the same object, determined to act in concert: Thus associated, they, on the 26th ultimo visited Lexington in person, and in company with the owners and proprietors, viewed and carefully examined the hospital building and its appurtenances. They find it situated near the northern suburb of Lexington, on a beautiful rise, on a lot of ground containing about ten acres, apparently in a square figure, inclosing in its extent, and very convenient to said building, a fountain of never failing, pure spring water, the soil of the first quality, and lying convenient for tillage.

The house is large, and composed of the best materials; every brick appears to have been laid in the finest sand and lime; its size 66 feet by 68, four square, built on a foundation of stone work, extending from the bottom of a dry cellar to four feet above the surface of the earth. The balance of the structure is three stories high, with numerous and well arranged windows; the different tiers of joist are of sawed oak, and the window frames of cedar; the whole well covered in, except except the opening for the cupola, which is still incomplete. Upon the whole, your committee hesitate not to say that they consider the building of the best and finest workmanship, and of the most durable materials, and situated on a spot of ground well chosen and highly calculated to answer all the valuable and humane purposes of an hospital.

Your committee have ascertained that the whole can be bought for the sum of ten thousand dollars, and only one fourth of the purchase money required to be paid in hand; the balance in one, two and three equal annual instalments.—That although the whole purchase money has not been paid by the hospital company to the late proprietor, yet there is no sort of danger in the title; the balance due is little up-

wards of seven hundred dollars, and that is proposed to be considered a part of the first payment, on the receipt of which sum, the conveyance will be immediately made full and satisfactory.

Your committee consider it their duty to state also another fact that has been stated to them, that on the completion of the building, a claim will arise to the proprietors, of a legacy left in the last will and testament of John Christian, dec'd. of \$5000, to be paid to the erectors of the first charitable institution in the state of Kentucky. Your committee are also informed, that the executors of said will are prepared and willing to pay the amount to whoever is duly entitled to receive the same, and are now living in Jefferson county, near Louisville.

Your committee are advised, and from the best information they can obtain, they believe, that about \$5000 will entirely finish and prepare said building, for the reception of lunatics, and that from fifty to sixty may be safely provided for therein; that a keeper can be had on good terms, highly calculated to discharge the necessary duties; that the whole round of medical attendance, and assistance of skilful physicians, can be had gratis; for which undertaking, the different medical professors attached to the college of Transylvania, are willing to incur an express obligation.

Your committee, from a view of all the circumstances, have thought proper to offer the following resolutions:

Resolved, That the care and safe keeping of persons of lunatic and unsound minds, can be much better and more cheaply provided by a state hospital, than by the present regulations, in placing such unfortunate sufferers in the hands of individuals.

Resolved, That it is both expedient, and economical for the state to undertake the arrangement of a hospital for the care and safekeeping of such unfortunate sufferers; and that the terms by which the purchase can be effected of the Lexington Hospital, are cheap and accommodating, and ought to be acceded to.

Resolved, That so much money ought to be appropriated by law, as will effect the purchase and completion of said building, and that a bill be framed and introduced before the present legislature to effect the several objects aforesaid, and to provide by law for carrying the same into immediate and complete operation.

Which was received, read and laid on the table.

On the motion of Mr. Mercer,

Ordered, That leave be given to bring in a bill authorising the citizens of Caldwell county to express their sentiments by vote at the next August election relative to a division of said county. And that messrs. Mercer, Cravens, Watkins, Calhoun and Ruffin, prepare and bring in said bill.

A message from the senate by Mr. Lee, their secretary :

Mr. Speaker,

The senate have received official information that the governor did on the 6th instant approve and sign enrolled bills and a resolution which originated in that house, of the following titles :

A resolution fixing a day for the election of a president and directors to the Bank of Kentucky ; also, treasurer and public printer.

An act allowing an additional number of constables' districts in certain counties.

An act to alter and extend the term of the Montgomery circuit court, and to alter the time of holding the Bath circuit court.

An act declaring Tradewater a navigable stream.

An act for the benefit of the judge of the twelfth judicial district.

An act to establish and regulate the town of Princeton.

An act to regulate the town of Somerset.

An act for the benefit of James Hays, sen. and Thomas Hendricks, sen.

They concur in the amendment proposed by this house upon concurring in those proposed by the senate to a bill from this house entitled an act to amend an act entitled an act to reduce into one the several acts concerning wills, the distribution of intestates' estates, and the duty of executors and administrators, approved February 4th, 1797. And they have passed bills which originated in this house of the following titles : An act for the benefit of Alexander M'Coy ; and an act to authorise the service of process by coroners in certain cases, with an amendment to the latter bill, in which they request the concurrence of this house.

And then he withdrew.

The said amendment was then taken up, twice read and concurred in.

Ordered, That Mr. Warfield inform the senate thereof.

Mr. Parker from the select committee appointed for that purpose, reported a bill allowing additional justices of the peace in the counties of Lewis and Butler.

Which was received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision, and second reading of said bill being dispensed with, the same was committed to a select committee of messrs. Lancaster, Noland, Chisholm, M'Affee and Gerard.

The house proceeded to reconsider the amendments proposed by the senate to a bill from this house entitled an act for the benefit of the heirs at law of John Walker, deceased.

Which being again twice read :

Resolved, That this house recede from their disagreement to the said amendments.

Ordered, That Mr. Brents inform the senate thereof.

The house took up the amendments proposed by the senate to a bill from this house entitled an act to amend an act entitled an act reserving certain property from execution, approved February 4, 1815.

Which being twice read were concurred in.

Ordered, That Mr. Noland inform the senate thereof.

A message from the senate by Mr. Pope :

Mr. Speaker,

The senate have passed a bill entitled an act to authorise the secretary of state to furnish the department of state of the United States, with a complete edition of the laws of this commonwealth ; in which bill they request the concurrence of this house.

And then he withdrew.

A bill to amend the law concerning sheriffs and their deputies, was read the first time, and ordered to be read a second time.

An engrossed bill entitled an act to add a part of the county of Casey to the county of Mercer, was read a third time, and recommitteed to a select committee of messrs. T. P. Moore, Rife, Bedinger, Brents, J. Patterson, Philips, French, Piercy and Barnett.

An engrossed bill entitled an act to amend the law relative to executions, was read a third time.

It was then moved and seconded to fill the blank in the second section of the bill with "two years" as the period to be allowed an individual to redeem his real estate sold under execution.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Rife and Shannon, were as follows, viz,

Yeas—Messrs. Allen, Brents, Cassidy, Chisholm, J. Clark, Cravens, Fletcher, Gerard, Harris, Henderson, Hughes, King, Lee, H. W. Moore, Mosley, Mullens, O'Bannon, Patton, N. P. Porter, Rife, Rudd, Sandford, Selby, Shannon, Sharp, Todd, Wilcoxson and Winlock—28.

Nays—Mr. Speaker, messrs. Anderson, Barnett, Bedinger, Berry, Blakey, Bray, Butler, Caldwell, Cockerill, Cooper, Cotton, Craig, Crow, Cunningham, Emerson, Farrow, Ferguson, French, Gaines, Geohagan, Gordon, Green, Grundy, Hall, Howard, Lancaster, Logan, Love, Lynch, Lyne, Mercer, T. P. Moore, Munford, Murray, M'Afee, M'Elroy, M'Kee, M'Millan, Noland, Parker, J. Patterson, W. Patterson, Piercy, Philips, O. C. Porter, Prewitt, Roberts, Ruslin, Scott, Shackleft, Slaughter, Stevenson, Stone, Taylor, Townsend, Wakefield, Warfield, Watkins, Williams and Woods—61.

Ordered, That the said bill be recommitted to a select committee of messrs. M'Kee, Warfield, Logan, Shannon, Ferguson, Green, Slaughter, Woods and Fletcher.

On the motion of Mr. Murray,

Ordered, That leave be given to bring in a bill for the benefit of the Breckinridge seminary ; and that messrs. Murray, T. P. Moore, Wickliffe and Geohagan, be appointed a committee to prepare and bring in the same.

Bills from the senate of the following titles :

1. An act to establish an election precinct in Floyd county ; 2. An act for the benefit of Thomas Mahan ; 3. An act for the benefit of Daniel Trabue and others ; 4. An act to regulate appeals from justices of the peace to the county courts ; 5. An act for the benefit of the heirs of John Green ; 6. An act for the benefit of John A. Markley ; 7. An act supplemental to an act forming the county of Perry ; 8. An act for the benefit of the stockholders of the late independent banks ; 9. An act providing for the repairing and improvement of the penitentiary ; 10. An act to repeal in part the law allowing fees to justices of the peace ; 11. An act to repeal in part the act declaring Nolin navigable ; 12. an act for the benefit of Benjamin Bridges ; 13. An act for the benefit of the heirs of John Radford ; 14. An act for the benefit of the sheriffs of Greenup and Lewis counties.

The 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 11th, 13th and 14th were severally ordered to be read a second time ; the 12th was laid on the table.

And the question being taken on reading the 10th bill a second time, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by messrs. J. Clark and Wilcoxson, were as follows, to wit :

Yeas—Messrs. Caldwell, J. Clark, S. D. Clark, Cooper, Crow, Emerson, Farrow, Ferguson, Fletcher, French, Gerard, Grundy, Hall, Henderson, Hickman, Howard, Lacey, Logan, Miller, H. W. Moore, Mosley, Munford, O'Bannon, N. P. Porter, Roberts, Shannon, Stone, Taylor, Wilcoxson and Woods—30.

Nays—Mr. Speaker, messrs. Anderson, Barnett, Bedinger, Berry, Blakey, Brents, Cassidy, Cockerill, Cotton, Craig, Cunningham, Geohegan, Gordon, Green, Harris, King, Lancaster, Lee, Love, Lynch, Murray, M'Affee, M'Elroy, M'Kee, M'Millan, Noland, Parker, J. Patterson, W. Patterson, Patton, Payne, Piercy, Philips, O. C. Porter, Prewitt, Rife, Sandford, Scott, Selby, Shacklett, Sharp, Slaughter, Townsend, Wakefield, Warfield, Watkins, Williams and Winlock—49.

Ordered, That mr. M'Millan inform the senate thereof.

And thereupon the rule of the house and second reading of the 1st, 2d, 5th, 6th, 7th, 8th, 9th, 11th, 13th and 14th bills being dispensed with, the 2d, 8th, 11th and 13th bills were ordered to be read a third time ; the first was committed to a select committee of messrs. Harris, Lee, Craig, Woods and Cooper ; the 5th and 6th to the committee for courts of justice ; the 7th to a select committee of messrs. Love, Woods, Lee and Harris ; the 9th to the committee of propositions and grievances ; and the 14th to a select committee of messrs. French, M'Affee, Gaines, Parker, Lancaster and Blakey.

And thereupon the rule of the house, constitutional provision and third reading of the 2d, 8th, 11th and 13th bills being dispensed with :

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That mr. Lancaster inform the senate thereof.

Mr. M'Kee from the committee for courts of justice, reported a bill providing for surveying the treasury warrant claims west of the Tennessee river.

Which was received and read the first time and ordered to be read a second time.

Ordered, That the public printers forthwith print 150 copies thereof, for the use of the members of this house.

Ordered, That mr. Roger Devine, door-keeper of this house, have leave of absence from the service thereof, until Thursday next.

And then the house adjourned.

SATURDAY, DECEMBER 9, 1828.

Mr. Lancaster from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles:

An act for the relief of the heirs at law of John Walker, deceased; an act for the relief of Taylor Noel; an act to amend an act entitled an act to incorporate the Union circulating and Fredericksburg social library companies; an act establishing a toll bridge on Beargrass creek in Jefferson county; an act for the benefit of Alexander M'Coy; an act for the benefit of the seminary in Whitley county; an act for the benefit of the executors, widow and heirs of Christian Hahn; an act for the benefit of the heirs of David C. Irvine, deceased; an act to add a part of Allen county to the county of Simpson; an act to establish and regulate the town of Elkton in the county of Todd; an act for the benefit of James Freeman; an act to appoint trustees and regulate the town of Leesburg in Harrison county; an act to amend an act entitled an act reserving certain property from execution, approved February 4, 1815; an act requiring the inhabitants of Prestonsville to work on a particular road; and an act to establish a turnpike by the way of Williamsburg, Whitley county.

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

Ordered. That Mr. Lancaster inform the senate thereof.

Mr. Scott presented the petition of sundry citizens of Campbell county, praying to be added to the county of Boone; but the notice being insufficient, the petition was rejected.

1. Mr. Gerard presented the petition of the heirs of Patrick Shields, deceased, representing that some years since they commenced an ejectment against sundry persons residing in Henry county on a claim to land devised from their ancestors, and that a judgment has been recovered for said land; that the defendants filed a bill and obtained an injunction to said judgment, and after various delays, the court of appeals have entered a decree in favor of the petitioners for said land; but that in consequence of the delays aforesaid, the demise laid in their declaration in ejectment has expired, and they are unable to obtain possession, and praying legislative relief.

2. Mr. M'Kee presented the memorial of Joel Scott of Scott county, containing a proposition to the legislature to manage the penitentiary institution at his own expense, and

to carry on a woolen manufactory therein under certain conditions.

3. Mr. Grundy presented the petition of Sylvester Elder of Washington county, praying a divorce from his wife Susanna.

4. Mr. Hickman presented the petition of sundry citizens of Paris, counter to that presented on a former day of the session, praying that a law may pass to alter and amend the law imposing taxes on the real and personal property in said town.

5. Mr. O. C. Porter presented the petition of sundry citizens of Warren county, praying that a part of said county may be added to the county of Butler.

6. Mr. Mosley presented the petition of sundry citizens of Mountsterling, praying that the tax imposed by the trustees of said town on the inhabitants thereof for the present year may be reduced to the sum of 200 dollars.

7. Mr. King presented the petition of sundry citizens of Cumberland county, praying that a law may pass to remit the balance of the state price due on 150 acres of land, belonging to Thomas Long and George Long, infants, to whom said land was devised by their brother, Andrew Long deceased.

The second, fourth and fifth, were referred to the committee of propositions and grievances; the third to the committee of religion; the sixth to a select committee of messrs. Mosley, Farrow, French and M'Millan; the seventh to a select committee of messrs. King, Cooper, Logan, Brents, Mullens and Gerard, giving said committees leave to report thereon by bills or otherwise.

And the question being taken on referring the first petition to the proper committee, it was decided in the negative, and so the said petition was rejected.

On motion,

Ordered, That the select committee to whom was referred the petition of sundry citizens of the town of Paris, praying that a law may pass to alter and amend the law authorising the trustees of said town to impose taxes on the real and personal property of the citizens of said town, be discharged from the further consideration of said petition, and that the same be referred to the committee of propositions and grievances.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. Love—1. A bill to prohibit the appropriation of

land stricken off to the state by any person but an actual settler.

By Mr. M'Kee from the committee for courts of justice—
2. A bill for the benefit of Thomas Robertson of Henry county.

By Mr. Ferguson—3. A bill organizing the Louisville medical society.

By Mr. Cravens—4. A bill authorising the citizens of Caldwell county to express their sentiments by vote at the next August election relative to a division of said county.

And by Mr. Murray—5. A bill for the benefit of the Breckinridge Seminary.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second and third readings of the 1st, 2d, 4th and 5th bills being dispensed with, (the fourth having been amended at the clerk's table,) and the same being engrossed :

Resolved, That the said bills do pass, and that the titles of the 1st, 2d, and 5th bills be as aforesaid; and that the title of the fourth be amended by adding thereto the words "and for other purposes."

Ordered, That Mr. M'Kee carry the said bills to the senate and request their concurrence.

Mr. Harris from the select committee to whom was referred a bill from the senate entitled an act to establish an election precinct in the county of Floyd, reported the same with amendments :

Which being severally twice read, were concurred in.

Ordered, That the said bill as amended, be read a third time.

And thereupon the rule of the house, constitutional provision and third reading of said bill being dispensed with :

Resolved, That the said bill as amended, do pass.

Ordered, That Mr. Harris inform the senate thereof, and request their concurrence in the said amendments.

Mr. Lancaster from the select committee to whom was referred a bill allowing additional justices of the peace in the counties of Lewis and Butler, reported the same with an amendment :

Which being twice read was concurred in.

Ordered, That the said bill as amended, be engrossed and read a third time.

And thereupon the rule of the house, constitutional provis-

son and third reading of said bill being dispensed with, and the same being engrossed :

Resolved, That the said bill do pass, and that the title be an act allowing an additional number of justices of the peace to certain counties.

Ordered, That Mr. Parker carry the said bill to the senate and request their concurrence.

A message from the senate by Mr. Ewing :

Mr. Speaker,

The senate disagree to bills which originated in this house of the following titles :

An act for the relief of Debe Ginnons ; an act authorising the county courts to purchase lands and erect buildings for the accommodation of the poor. And they have passed a bill which originated in this house entitled an act to prohibit the appropriation of land stricken off to the state by any person but an actual settler, with an amendment, in which they request the concurrence of this house.

And then he withdrew.

The amendments proposed by the senate to said bill, were twice read and concurred in.

Ordered, That Mr. M'Kee inform the senate thereof.

Leave was given to bring in the following bills :

On the motion of Mr. Howard—1. A bill to amend the law subjecting billiard tables to taxation.

And on the motion of Mr. M'Kee—2. A bill to authorise the building of a bridge across the Kentucky river.

Messrs. Howard, Allen, Cotton, Fletcher, Todd and Gaines, were appointed a committee to prepare and bring in the first ; and messrs. M'Kee, T. P. Moore, Caldwell, Green and Howard the second.

Mr. Fletcher from the select committee to whom was referred a bill to provide for the safe keeping of the public arms and offices for the Adjutant, and Quarter Master Generals, reported the same with an amendment in lieu of the original bill, which were read as follows, viz.

§ 1. *Be it enacted by the general assembly of the commonwealth of Kentucky*, That ————— be, and he is hereby appointed a commissioner to contract with the trustees of the Kentucky seminary, for the purchase of the building erected by them on the public square, provided the same can be had for the sum of \$ ——— to be discharged in any of the vacant and unappropriated lands of this commonwealth, not included in the tract of country lately acquired by treaty west of the Tennessee river.

§ 2. *Be it further enacted*, That if the purchase is effected upon the terms herein stipulated, the adjutant & quarter-master generals, shall take possession of the said building, and cause such repairs to be made as are necessary for the security and safekeeping of the public arms to be deposited therein, and for the purpose of using the same as offices for the safekeeping of their presses and papers, and transacting the business relating to the duties of their offices.

§ 2. *Be it further enacted*, That the said trustees may proceed to have the quantity of land hereby allowed, surveyed and carried into grant in the same manner as such lands are now directed to be surveyed and patented; and the register of the land office, shall issue to them a warrant or warrants, for the amount, at the price land may be sold when the warrants may issue, upon their filing with him the certificate of the said commissioner, that the sale and purchase of the said building has been effected upon the terms herein set forth.

§ 4. *Be it further enacted*, That the expences incurred in the necessary repair and fitting up of said building, shall be paid out of the treasury upon the warrant of the auditor, as in other cases.

§ 5. *Be it further enacted*, That if a public library should be established by the legislature, part of said building shall be appropriated for the use of said library.

The following was reported by said committee in lieu of the original bill.

WHEREAS it appears to this general assembly, that there is no adequate provision made for the safekeeping and preservation of the public arms; that the quarter-master and adjutant generals are without offices to keep their books and papers in, and this legislature having passed a law providing for the purchase of a public library: Therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the auditor of public accounts be, and he is hereby authorised and directed to contract with the trustees of the Kentucky Seminary, situate on the public square, for the purchase of said seminary, provided that a sum not exceeding 1500 dollars shall be paid for said building, which sum shall be paid out of any money in the treasury not otherwise appropriated.

§ 2. *Be it further enacted*, That when said purchase is effected, said trustees shall execute a deed to the commonwealth, which shall be recorded in the general court office, and the quarter-master and adjutant generals shall take pos-

session of said building, and remove their offices and the public arms thereto.

§ 3. *Be it further enacted*, That one of the rooms of said seminary which may be most suitable for the purpose, shall be appropriated for the purpose of keeping the public library authorised to be procured and purchased by an act passed at the present session of the general assembly.

It was then moved and seconded to postpone the further consideration of the said bill and amendment until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Noland and Roberts, were as follows, to wit :

Yeas—Messrs. Allen, Anderson, Barnett, Berry, Blakey, Calhoun, Cassidy, Chisholm, Cockerill, Cooper, Cravens, Cunningham, Emerson, Ferguson, Gaines, Geohegan, Grundy, Hall, Harris, Lacey, Lancaster, Lee, Logan, Lynch, Lyne, Mullens, Munford, M'Elroy, M'Kee, Noland, Parker, W. Patterson, Piercy, O. C. Porter, Rife, Roberts, Rudd, Ruffin, Scott, Shacklett, Sharp, Slaughter, Spillman, Taylor, Warfield, Watkins, Wickliffe, Wilcoxson and Williams—49.

Nays—Mr. Speaker, messrs. Bedinger, Bray, Brents, Butler, J. Clark, Cotton, Craig, Crow, Farrow, Fletcher, French, Gerard, Green, Henderson, Hickman, Howard, Hunter, King, Miller, H. W. Moore, T. P. Moore, Mosley, Murray, M'Millan, J. Patterson, Patton, Payne, Phillips, N. P. Porter, Sandford, Selby, Shannon, Todd, Townsend, Wakefield and Winlock—37.

A message from the senate by mr. Roper :

Mr. Speaker,

The senate have passed a bill to prevent the circulation of private notes ; in which bill they request the concurrence of this house.

And then he withdrew.

A message from the governor by mr. Anderson :

Mr. Speaker,

I am directed by the governor to lay before this house a message in writing.

And then he withdrew.

The Speaker laid before the house a letter from Robert Alexander, President of the Bank of Kentucky, marked confidential ; which was received and laid on the table.

Mr. Lancaster from the joint committee of enrolments, reported that the committee had examined an enrolled bill en-

titled an act to prohibit the appropriation of the land stricken off to the state by any person but an actual settler.

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

Ordered, That Mr. Lancaster inform the senate thereof.

A message from the senate by Mr. Lackey :

Mr. Speaker,

The senate concur in the amendments proposed by this house to a bill from the senate entitled an act to establish an election precinct in Floyd county.

And then he withdrew.

Bills from the senate of the following titles :

1. An act to suspend the power vested in the governor and treasurer to subscribe on the part of the state for stock in the Bank of Kentucky ; 2. An act to amend an act entitled an act concerning a house of public worship in the town of Frankfort ; 3. An act to add a part of Fleming to Nicholas county ; 4. An act to amend the act for opening a road from Georgetown to Augusta ; 5. An act regulating suits on promissory notes and bills of exchange ; 6. An act to establish seminaries of learning in the counties of Monroe, Grant, Todd and Trigg ; 7. An act for the benefit of John M'Kinney, late sheriff of Jessamine county ; 8. An act for the benefit of the sheriff of Caldwell county ; 9. An act for the divorce of Cynthia Carson ; 10. An act to amend an act entitled an act to amend an act for the solemnization of matrimony ; and 11. An act providing for the collection of debts due the penitentiary, and for other purposes.

Were severally read the first time : The 1st, 4th, 6th, 7th, 8th, 9th, 10th and 11th, were severally ordered to be read a second time ; and the 2d, 3d and 5th were postponed until the first day of June next.

And thereupon the rule of the house, constitutional provision and second reading of the 1st, 6th, 8th and 9th bills being dispensed with, the 1st and 9th were ordered to be read a third time ; the sixth was committed to a select committee of messrs. Anderson, Lancaster, Ferguson, Brents, Hall and Mullens ; and the eighth to a select committee of messrs. Calhoun, Mercer, Berry and M'Affee.

And thereupon the rule of the house, constitutional provision, and third reading of the 1st and 9th bills being dispensed with :

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Green inform the senate thereof.

And then the house adjourned.

MONDAY, DECEMBER 11, 1820.

Mr. N. P. Porter presented the memorial of Benj. Hensley of the town of Frankfort, containing proposals for undertaking the management of the penitentiary institution at his own expence, and paying to the state an annual rent for the use thereof, and for the labour of the convicts.

Mr. Cravens presented the petition of William Stroud of Christian county, praying for a divorce from his wife Susannah, late Susannah Green.

And the petition of sundry citizens of Christian county, praying a donation of 100 acres of land to Ann Mitchell, a poor widow of said county, on which she is settled.

Which memorial and petitions were severally received and read; the first was referred to the committee of propositions and grievances; and the third to a select committee of messrs. Cravens, Calhoun, Ruffin, Watkins, Rife and Shacklett, giving said committee leave to report thereon by bill or otherwise.

And the question being taken on referring the second petition to the proper committee, it was decided in the negative, and so the said petition was rejected.

Mr. M'Kee from the committee for courts of justice, to whom was referred a bill from the senate entitled an act for the benefit of the heirs of John Green, reported the same without amendment.

Ordered, That the said bill be read a third time.

And thereupon the rule of the house being dispensed with:

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. M'Kee inform the senate thereof.

Mr. Anderson from the select committee to whom was referred a bill from the senate entitled an act to establish seminaries of learning in the counties of Monroe, Grant, Todd and Trigg, reported the same with an amendment:

Which being twice read, was concurred in,

And the said bill being further amended, was with the amendment, ordered to be read a third time.

And thereupon the rule of the house being dispensed with, as to the third reading of said bill:

Resolved, That the said bill as amended, do pass.

Ordered, That Mr. Anderson inform the senate thereof, and request their concurrence in said amendments.

Mr. M'Kee from the select committee appointed for that

purpose, reported a bill authorising William Fry and others to erect a bridge across the Kentucky river.

Which was received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second reading of said bill being dispensed with, and the same being amended :

Ordered, That the said bill as amended, be laid on the table.

Mr. Mosley from the select committee appointed for that purpose, reported a bill for the benefit of the citizens of the town of Mountsterling.

Which was received and read the first time and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second and third readings of said bill being dispensed with, and the same being engrossed :

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Mosley carry the said bill to the senate and request their concurrence.

The house took up a resolution from the senate fixing on a day for the election of a president and directors to the Bank of the Commonwealth ; which was twice read as follows, viz.

IN SENATE, December 7, 1820.

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will on Tuesday next proceed to elect a president and twelve directors for the Bank of the Commonwealth of Kentucky.

Att.

WILLIS A. LEE, C. S.

Which being twice read and amended, by striking out "Tuesday," and inserting "Thursday,"

It was then moved by Mr. M'Millan to amend said resolution to read as follows, viz.

Resolved, That the President of the Bank of the commonwealth of Kentucky is an officer created by law, and of that character the appointment of whom is confided by the constitution to the governor, by and with the advice and consent of the senate.

And the question being taken on agreeing to the said amendment, it was decided in the negative.

The yeas and nays being required thereon by messrs. Allen and M'Millan, were as follows, viz.

Yeas—Messrs. Berry, Caldwell, Calhoun, Ferguson, Gar-
rard, Green, Grundy, Howard, Lancaster, T. P. Moore,
M'Kee, M'Millan, Spillman, Stone, Townsend and Woods
—16.

Nays—Mr. Speaker, messrs. Allen, Anderson, Blakey,
Boyd, Bray, Brents, Butler, Cassidy, Chisholm, J. Clark,
Cockerill, Cooper, Cotton, Craig, Cravers, Crow, Cun-
ningham, Emerson, Farrow, Fletcher, French, Gerard, Geo-
hegan, Hall, Harris, Henderson, Hickman, Hughes, Hunter,
King, Lacey, Lee, Logan, Love, Lynch, Lyne, Miller, H.
W. Moore, Mosley, Mullens, Munford, Murray, M'Diroy,
Noland, O'Bannon, Parker, J. Patterson, W. Patterson,
Patton, Payne, Piercy, Phillips, N. P. Porter, O. C. Porter,
Rife, Roberts, Rudd, Ruffin, Sandford, Scott, Selby, Shack-
lett, Shannon, Sharp, Slaughter, Taylor, Todd, Wakefield,
Warfield, Wilcoxson, Williams and Winlock—72.

The said resolution as amended, was then concurred in.

Ordered, That Mr. Slaughter inform the senate thereof,
and request their concurrence in the said amendment.

A message from the senate by Mr. Bowmar :

Mr. Speaker,

The senate have passed bills of the following titles :—An
act for the benefit of poor widows ; an act to amend the law
concerning the sales of non-residents' lands for taxes ; and
an act to amend the act entitled an act to provide for the fur-
ther publication of the decisions of the court of appeals ; in
which bills they request the concurrence of this house.

And then he withdrew.

A message from the senate by Mr. Pope :

Mr. Speaker,

The senate have passed a bill from this house entitled an
act for classing tobacco in this commonwealth, and for other
purposes ; and a bill entitled an act repealing in part the act
entitled an act providing for the removal of obstructions to
the navigation of Floyd's fork.

And then he withdrew.

Mr. Green presented the memorial of John Martin of Lin-
coln county, praying compensation for four horses furnished
by him in the year 1778, for public service, which were lost
to him (having been stolen by the Indians,) and for services
rendered by building boats and pirogues for the use of the
troops then about marching against the hostile Indians, and
for which he has received no compensation.

Which was received and referred to the committee for courts
of justice.

A message from the senate by Mr. Williams :

Mr. Speaker,

The senate have passed a bill which originated in this house entitled an act for the benefit of the citizens of the town of Mountsterling.

And then he withdrew.

A message from the senate by Mr. Lee, their secretary :

Mr. Speaker,

The senate disagree to a bill which originated in this house entitled an act to authorise the citizens of Caldwell county to express their sentiments by vote at the next August election relative to a division of said county and for other purposes. And they have passed bills which originated in this house of the following titles : An act to incorporate the New Liberty library company ; an act for the benefit of Betsey Horton ; an act to establish the Lindley academy in Henry county, and incorporate trustees to that institution ; an act for the relief of Braxton B. Winn ; an act allowing an additional number of justices of the peace to certain counties ; an act for the benefit of Thomas Robertson of Henry county ; and an act for the benefit of the Breckinridge seminary.

And then he withdrew.

A message from the senate by Mr. Bowmar :

Mr. Speaker,

The senate have passed bills which originated in this house of the following titles :

An act to establish private passways ; and an act to amend an act entitled an act to amend an act concerning occupying claimants of land, with an amendment to the latter bill, in which they request the concurrence of this house.

And then he withdrew.

A message from the senate by Mr. Wood :

Mr. Speaker,

The senate have passed a bill entitled an act appointing persons to view a way for a road from Danville to the Tennessee line ; in which bill they request the concurrence of this house.

And then he withdrew.

A message from the senate by Mr. Ewing :

Mr. Speaker,

The senate concur in the amendments proposed by this house to a bill from that entitled an act to establish seminaries of learning in the counties of Monroe, Grant, Todd and Trigg.

And then he withdrew.

A bill supplementary to an act entitled an act to establish the Bank of the Commonwealth of Kentucky, was taken up.

The first section of said bill was then read as follows, viz.

§ 1. *Be it enacted by the general assembly of the commonwealth of Kentucky,* That the seats of the several branch banks provided to be established by the act to which this is a supplement, shall be fixed during the present session of the general assembly, by the joint votes of both houses; and that the seats when so fixed, shall be as permanent as if the same were incorporated by their respective names in this or the act to which this is a supplement.

It was then moved and seconded to amend said section by inserting after the word "that" in the first line, the words "*after having first laid off the state into — bank districts.*"

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Scott and Rudd, were as follows, viz.

Yeas—Messrs. Allen, Berry, Boyd, Caldwell, Cotton, Craig, Ferguson, Henderson, Lancaster, Logan, Love, Lynch, Lyne, N. P. Porter, Roberts, Sandford, Scott, Spillman, Stone, Todd, Townsend and Woods—23.

Nays—Mr. Speaker, messrs. Anderson, Blakey, Bray, Brents, Butler, Calhoun, Cassidy, Clisholm, J. Clark, S. D. Clark, Cockerill, Cooper, Cravens, Crow, Cunningham, Emerson, Farrow, Fletcher, French, Garrard, Gerard, Georgegan, Green, Grundy, Hall, Hickman, Howard, Hughes, Hunter, King, Lacey, Lee, Miller, H. W. Moore, T. P. Moore, Mosley, Mullens, Munford, Murray, M'Elroy, M'Kee, M'Millan, Noland, O'Bannon, Parker, J. Patterson, W. Patterson, Patton, Payne, Piercy, O. C. Porter, Rife, Rudd, Ruffin, Selby, Shacklett, Shamon, Sharp, Slaughter, Taylor, Wakefield, Warfield, Wilcoxson, Williams and Winlock—66.

The sixth section of said bill was then read as follows, viz.

§ 6. *And be it further enacted,* That if the amount of funds reserved in the principal bank for loan, or allotted to any branch for loan, shall not be loaned in sixty days after the said bank or branch shall have been put in operation, then and in that case, the president and directors of such bank, or of any branch thereof, may loan to individuals larger sums than is provided by the fifteenth section of the act to which this is a supplement; but shall not loan to any one individual a

larger sum than \$ ——— and no individual shall have more than one loan at any one time.

It was then moved and seconded to amend said section by striking out the whole thereof, after the enacting clause, and to insert in lieu thereof, the following words :

“ That the amount of money to be issued by the principal bank and its branches, shall not exceed four millions of dollars; and that the loan or loans to individuals, confined by the 15th section of the original bill to \$1000, may at the discretion of the directory, be extended to \$3000.”

The said amendment being amended by adding thereto the following words :

“ Provided however, that there is not a sufficient number of applicants to borrow the money at \$1000 each, or a less sum within 60 days.”

A division of the question was then called for ; and the question was first put on striking out the said 6th section after the enacting clause, which was decided in the affirmative.

A further division of the question was called for on the “ adoption ” of the first clause of the amendment as amended.

And the question being taken thereon, it was decided in the negative, and so the said first member of the section was rejected.

The yeas and nays being required thereon by messrs. Green and Love, were as follows, viz.

Yeas—Messrs. Allen, Blakey, Brents, Caldwell, Cassidy, Chisholm, J. Clark, Cockerill, Craig, Cravens, Fletcher, Gaines, Gerard, Harris, Henderson, Hughes, King, Lee, Lync, H. W. Moore, Mosley, Mullens, O'Bannon, W. Patterson, Patton, N. P. Porter, O. C. Porter, Rife, Roberts, Rudd, Selby, Shannon, Sharp, Slaughter, Taylor, Wilcoxson and Winlock—37.

Nays—Mr. Speaker, messrs. Anderson, Bedinger, Berry, Boyd, Bray, Butler, Calhoun, S. D. Clark, Cooper, Cotton, Crow, Cunningham, Emerson, Farrow, Ferguson, French, Garrard, Geohegan, Green, Grundy, Hall, Hickman, Howard, Hunter, Lacey, Lancaster, Logan, Love, Lynch, Miller, T. P. Moore, Munford, Murray, M'Elroy, M'Kee, M'Millan, Noland, Parker, J. Patterson, Payne, Piercy, Ruffin, Sandford, Scott, Shacklett, Spillman, Stone, Todd, Townsend, Wakefield, Warfield, Watkins, Williams and Woods—55.

The remainder of said amendment was then by consent of the house withdrawn by the movers.

Mr. Cravens then moved the following in lieu of the sixth section, which was stricken out, viz.

§ 6. *And be it further enacted*, That if the amount reserved in the principal bank or any branch thereof for loan, shall not be loaned for sixty days after said bank or branch shall have been put in operation, then, and in that case, the president and directors of each bank or branch, may loan to individuals larger sums than is provided by the 15th section of the act to which this is a supplement; but shall not loan to any individual a larger sum than \$2000; and no individual shall have more on loan than the sum aforesaid at one time; and that the president and directors of the principal bank, may issue notes to a larger amount than is provided by the 36th section of the act to which this is a supplement before the next session of the legislature, provided a majority of directors elected concur therein; and provided that the amount issued before the next session, shall not on any pretence exceed the amount of ——— millions of dollars.

Mr. Ferguson objected to the reception of said proposition by the chair under color of amendment, inasmuch as it contained provisions inconsistent with those of the original bill; & particularly to that portion of the amendment which allows a greater loan to any one individual than one thousand dollars.

The Speaker declared it as his opinion that the amendment was in order.

An appeal was taken from the decision of the chair.

The question was then put, is the decision of the chair correct? which was decided in the affirmative.

The said amendment being withdrawn, the following amendment was then offered as a sixth section.

§ 6. *And be it further enacted*, That the president and directors of the principal bank, may issue notes to a larger amount than is provided by the 36th section of the act to which this is a supplement, before the next session of the legislature, provided a majority of directors elected concur therein; and provided that the amount issued before the next session, shall not on any pretence, exceed the sum of ——— millions of dollars.

Which being twice read, was adopted.

It was then moved and seconded to fill the blank in said section with "three millions and an half of dollars."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Green and Noland were as follows, viz.

Yeas—Messrs. Allen, Anderson, Blakey, Brents, Caldwell, Calhoun, Cassidy, Chisholm, J. Clark, Cockerill, Craig, Cravens, Fletcher, Gerard, Harris, Henderson, Hughes, King, Lee, Lyne, H. W. Moore, Mosley, Mullens, O'Bannon, W. Patterson, Patton, N. P. Porter, O. C. Porter, Rife, Roberts, Rudd, Ruslin, Selby, Shannon, Sharp, Slaughter, Taylor, Todd, Wilcoxson and Winlock—40.

Nays—Mr. Speaker, messrs. Bedinger, Berry, Boyd, Bray, Butler, Cooper, Cotton, Crow, Cunningham, Emerson, Farrow, Ferguson, French, Garrard, Geohegan, Green, Grundy, Hall, Hickman, Howard, Hunter, Lacey, Lancaster, Logan, Love, Lynch, Miller, T. P. Moore, Munford, Murray, M'Elroy, M'Kee, M'Millan, Noland, Parker, J. Patterson, Payne, Piercy, Philips, Sandford, Scott, Shacklett, Spillman, Stone, Townsend, Wakefield, Warfield, Watkins, Williams and Woods—51.

It was then moved and seconded to fill the said blank with \$,000,000 of dollars:

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Noland and Cockerill, were as follows, viz.

Yeas—Messrs. Allen, Anderson, Blakey, Brents, Caldwell, Calhoun, Cassidy, Chisholm, J. Clark, Cockerill, Craig, Cravens, Crow, Cunningham, Fletcher, Gerard, Hall, Harris, Henderson, Hughes, Hunter, King, Lee, Lynch, Lyne, H. W. Moore, Mosley, Mullens, O'Bannon, W. Patterson, Patton, Philips, N. P. Porter, O. C. Porter, Rife, Roberts, Rudd, Ruslin, Selby, Shannon, Sharp, Slaughter, Taylor, Todd, Watkins, Wilcoxson and Winlock—47.

Nays—Mr. Speaker, messrs. Bedinger, Berry, Boyd, Bray, Butler, Cooper, Cotton, Emerson, Farrow, Ferguson, French, Garrard, Geohegan, Green, Grundy, Hickman, Howard, Lacey, Lancaster, Logan, Love, Miller, T. P. Moore, Munford, Murray, M'Elroy, M'Kee, M'Millan, Noland, Parker, J. Patterson, Payne, Piercy, Sandford, Scott, Shacklett, Spillman, Stone, Townsend, Wakefield, Warfield, Williams and Woods—44.

It was then moved and seconded to attach to said section as amended, the following words :

And that if the amount reserved in the principal bank of any branch for loan, shall not be loaned in sixty days after said bank or branch shall have been put in operation, then, and in that case, the president and directors of such bank or branch, may loan to individuals larger sums than is provided by the 15th section of the act to which this is a supplement; but shall not loan to any individual a larger sum than \$2000, and no individual shall have more on loan than the sum aforesaid at one time.

The said amendment was then amended by striking out *sixty days*.

It was then moved and seconded to fill the blank occasioned by the preceding motion with "*four months*."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Bedinger and Lacey, were as follows, to wit:

Yeas—Mr. Speaker, messrs. Bedinger, Berry, Bray, Butler, Caldwell, Chisholm, Cooper, Cotton, Craig, Crow, Emerson, Farrow, Ferguson, French, Garrard, Geohagan, Green, Grundy, Harris, Henderson, Hickman, Howard, Hunter, Lacey, Lancaster, Logan, Love, Lyne, Miller, Munford, Murray, M'Elroy, M'Kee, M'Millan, Noland, Parker, J. Patterson, Payne, Piercy, Phillips, Roberts, Rudd, Sandford, Scott, Shacklett, Sharp, Spillman, Stone, Taylor, Townsend, Wakefield, Warfield, Watkins, Wilcoxson, Williams and Woods—57.

Nays—Messrs. Allen, Anderson, Blakey, Boyd, Brents, Calhoun, Cassidy, J. Clark, Cockerill, Cravens, Fletcher, Gerard, Hall, Hughes, King, Lee, Lynch, H. W. Moore, T. P. Moore, Mosley, O'Bannon, W. Patterson, Patton, N. P. Porter, O. C. Porter, Rife, Ruffin, Selby, Shannon, Slaughter and Winlock—81.

Mr. M'Kee then moved to add to said bill the following as an additional section, viz.

And be it further enacted, That so much of the act entitled an act to establish the Bank of the Commonwealth of Kentucky as fixes the seat of the principal bank at Frankfort, be and the same is hereby repealed; and from and after the passage of this act, the principal bank shall be at Harrodsburg, in Mercer county.

And the question being taken on adopting said amendment, it was decided in the negative.

The yeas and nays being required thereon by messrs. Rudd and Roberts, were as follows, viz.

Yeas—Mr. Speaker, messrs. Caldwell, Calhoun, Cooper, Emerson, Ferguson, Green, Grundy, Howard, Lancaster, Love, T. P. Moore, M'Elroy, M'Kee, M'Millan, Shannon, Spillman, Townsend, Wakefield and Warfield—20.

Nays—Messrs. Allen, Anderson, Bedinger, Berry, Blakey, Boyd, Bray, Brents, Butler, Cassidy, Chisholm, J. Clark, Cockerill, Cotton, Craig, Cravens, Crow, Cunningham, Farrow, Fletcher, Garrard, Gerard, Geohagan, Hall, Harris, Henderson, Hickman, Hughes, Hunter, Lacey, Lee, Logan, Lynch, Lyne, Miller, H. W. Moore, Mosley, Mullens, Munford, Murray, Noland, O'Bannon, Parker, J. Patterson, W. Patterson, Patton, Payne, Piercy, Phillips, N. P. Porter, Rife, Robests, Rudd, Ruffin, Sandford, Scott, Selby, Shacklett, Sharp, Slaughter, Stone, Taylor, Watkins, Wilcoxson, Williams, Winlock and Woods—67.

Mr. Calhoun then moved to attach to said bill the following as an additional section, viz.

Be it further enacted, That so much of the act to which this is a supplement as requires that the active capital of the said bank to be apportioned and loaned out to the several counties entitled thereto, shall be apportioned and loaned out in proportion to the wealth of each county, as ascertained by the commissioner's book, shall be, and the same is hereby repealed; and that the said apportionment and loans shall be made by the directors of the principal bank, in proportion to the population of each county, to be ascertained from the commissioners' books as aforesaid.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Calhoun and Crow, were as follows, viz.

Yeas—Messrs. Berry, Calhoun, Cockerill, Cooper, Craig, Crow, Cunningham, Emerson, Fletcher, Geohagan, Grundy, Harris, Lacey, Lancaster, Lee, Love, Lynch, Mullens, Murray, M'Kee, Piercy, Rife, Rudd, Scott, Shacklett, Sharp, Stone, Taylor, Townsend, Watkins and Wilcoxson—52.

Nays—Mr. Speaker, messrs. Allen, Anderson, Bedinger, Blakey, Boyd, Bray, Brents, Butler, Caldwell, Cassidy, Chisholm, J. Clark, Cotton, Cravens, Farrow, Ferguson, Garrard, Gerard, Green, Hall, Henderson, Hickman, Howard, Hughes, Hunter, King, Logan, Lyne, Miller, H. W. Moore, T. P. Moore, Mosley, Munford, M'Affee, M'Elroy, M'Millan, Noland, O'Bannon, Parker, J. Patterson, W. Patterson, Patton, Payne, N. P. Porter, Ruffin, Sandford, Selby, Shannon, Slaughter, Spillman, Wakefield, Warfield, Williams, Winlock and Woods—55.

Mr. King then moved to attach to said bill the following, as an additional section, viz.

And be it further enacted, That it shall be the duty of the president and directors of the principal bank and its branches, to regulate the calls to be made on notes under discount by the dates of the loans, calling first upon the loans which shall have been first made, in such a manner as to afford to each individual as near as may be, the same indulgence in regard to time, unless it shall appear at any time necessary to a majority of the board to adopt a different course for the safety and security of any particular debt or debts, which may be due.

And the question being taken on adopting said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. King and Taylor, were as follows, viz.

Yeas—Mr. Speaker, messrs. Allen, Anderson, Bedinger, Berry, Blakey, Bray, Brents, Calhoun, Chisholm, J. Clark, Cockerill, Cooper, Cotton, Craig, Cravens, Crow, Cunningham, Emerson, Fletcher, Geohegan, Grundy, Hall, Hughes, King, Lacey, Lancaster, Lee, Logan, Lynch, Lyne, Miller, H. W. Moore, Mosley, Mullens, Munford, Murray, M'Elroy, M'Millan, Parker, J. Patterson, W. Patterson, Piercy, N. P. Porter, O. C. Porter, Roberts, Ruffin, Sandford, Scott, Shacklett, Slaughter, Spillman, Taylor, Townsend, Watkins, Wilcoxson and Williams—57.

Nays—Messrs. Boyd, Butler, Caldwell, Cassidy, Farrow, Ferguson, Garrard, Gerard, Green, Hickman, Howard, Hunter, Love, T. P. Moore, M'Affee, Noland, O'Bannon, Patton, Payne, Rife, Rudd, Selby, Shannon, Sharp, Wakefield, Warfield, Winlock and Woods—28.

Ordered, That the said bill be engrossed and read a third time to-morrow.

And then the house adjourned.

TUESDAY, DECEMBER 12, 1820.

Mr. M'Millan from the committee of propositions and grievances, to whom was referred a bill from the senate entitled an act providing for the repairing and improvement of the penitentiary, reported the same with an amendment:

Which was twice read :

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Cassidy and Lancaster, were as follows, viz.

Yeas—Messrs. Anderson, Blakey, Boyd, Bray, Butler, Calhoun, Cassidy, Cooper, Craig, Crow, Cunningham, Emerson, Fletcher, Gaines, Garrard, Geobegan, Green, Grundy, Hall, Harris, Hickman, Hughes, Hunter, Lacey, Lancaster, Logan, Love, T. P. Moore, Munford, Murray, M'Affee, M'Elroy, M'Kee, M'Millan, Noland, J. Patterson, Patton, Payne, Piercy, O. C. Porter, Roberts, Rudd, Ruslin, Sandford, Scott, Shacklett, Slaughter, Spillman, Stevenson, Stone, Taylor, Townsend, Wakefield, Warfield, Watkins, Wickliffe and Wilcoxson—57.

Nays—Mr. Speaker, messrs. Allen, Bedinger, Berry, Brents, Caldwell, Chisholm, J. Clark, Cockerill, Cotton, Cravens, Farrow, Ferguson, French, Gerard, Howard, Lee, Lynch, Lyne, Miller, H. W. Moore, Mosley, Mullens, O'Bannon, Parker, Philips, N. P. Porter, Rife, Selby, Shannon, Sharp, Todd, Williams and Winlock—34.

The said bill as amended, was then ordered to be read a third time to-morrow.

Ordered, That the public printers forthwith print 150 copies thereof, for the use of the members of this house.

Mr. T. P. Moore from the select committee to whom was referred an engrossed bill entitled an act to add a part of the county of Casey to the county of Mercer, reported the same with an amendment in lieu of the original bill :

Which being twice read, was concurred in.

Ordered, That the said bill as amended, be re-engrossed and read a third time.

And thereupon the rule of the house, constitutional provision and third reading of said bill being dispensed with, and the same being engrossed :

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. T. P. Moore carry the said bill to the senate and request their concurrence.

A message from the governor by Mr. Breckinridge, his secretary :

Mr. Speaker,

The governor did on the 9th instant approve and sign enrolled bills which originated in this house of the following titles :

An act to prohibit the appropriation of lands stricken off to the state by any person but an actual settler.

An act to appoint trustees and regulate the town of Leesburg in Harrison county.

An act establishing a toll bridge on Beargrass creek in Jefferson county.

An act for the relief of the heirs at law of John Walker, dec'd.

An act to establish and regulate the town of Elkton, in the county of Todd.

An act to establish a turnpike by the way of Williamsburg in Whitley county.

An act for the benefit of Alexander M'Coy.

An act for the benefit of the heirs of David C. Irvine, deceased.

An act to amend an act entitled an act to incorporate the Union circulating, and Fredericksburg social library companies.

An act for the benefit of the executors, widow and heirs, of Christian Hahn.

An act for the benefit of James Freeman.

An act requiring the inhabitants of Prestonsville to work on a particular road.

An act for the relief of Taylor Noel.

An act to add a part of Allen county to the county of Simpson.

An act to amend an act entitled an act reserving certain property from execution, approved February 4, 1815.

An act for the benefit of the seminary in Whitley county.

And then he withdrew.

Ordered, That Mr. Lancaster inform the senate thereof.

A message from the senate by Mr. Turner :

Mr. Speaker,

The senate have passed a bill entitled an act to authorise the publication of certain advertisements in the Christian Advocate, printed in Bowling-Green ; in which bill they request the concurrence of this house.

And then he withdrew.

A message from the senate by Mr. Ewing :

Mr. Speaker,

The senate concur in the amendment proposed by this house to a resolution from the senate fixing on a day for the election of a president and directors of the Bank of the Commonwealth.

And then he withdrew.

A message from the governor by Mr. Breckinridge, his secretary :

Mr. Speaker,

I am directed by the governor to lay before this house a message in writing.

And then he withdrew.

A message from the senate by Mr. Slaughter :

Mr. Speaker,

The senate have passed a bill which originated in this house entitled an act for the benefit of the widow and heirs of William Lewis, deceased.

And then he withdrew.

An engrossed bill entitled an act supplemental to an act to establish the Bank of the Commonwealth of Kentucky,

Was read a third time, and amended by engrossed rider.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Brents carry the said bill to the senate and request their concurrence.

The house took up the amendments proposed by the senate to a bill from this house entitled an act to amend an act entitled an act to amend an act concerning occupying claimants of land.

It was then moved and seconded to postpone the further consideration of said bill and amendments until the 21st day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Cassidy and Shacklett, were as follows, viz.

Yeas—Mr. Speaker, messrs. Boyd, Butler, Caldwell, J. Clark, Cotton, Green, Grundy, Howard, Hunter, Logan, Love, Miller, T. P. Moore, M'Affee, Noland, O'Bannon, Payne, Piercy, Ruffin, Sandford, Scott, Selby, Slaughter, Spillman, Stevenson, Stone, Todd, Wickliffe and Woods—30.

Nays—Messrs. Allen, Anderson, Bedinger, Berry, Blakey, Bray, Brents, Calhoun, Cassidy, Chisholm, Cockerill, Cooper, Craig, Crow, Emerson, Farrow, Ferguson, Fletcher, French, Gaines, Garrard, Gerard, Geohegan, Hall, Harris, Hickman, Hughes, King, Lacey, Lancaster, Lee, Lynch, Lyne, Mosley, Mullens, Munford, Murray, M'Elroy, M'Millan, Parker, W. Patterson, Patton, Philips, N. P. Porter, O. C. Porter, Prewitt, Roberts, Rudd, Shacklett, Sharp, Tay-

lor, Townsend, Wakefield, Warfield, Wilcoxson, Williams Winlock—57.

The first amendment proposed by the senate to said bill, having been concurred in :

The second amendment which proposes to add to the said bill the following as an additional section, was also read as follows :

§ 10. *Be it further enacted.* That where any bona fide and innocent occupant of land, being a bona fide purchaser by written contract or deed, or holding the same by descent, under a purchase made as aforesaid, is sued, or shall hereafter be sued, and the land shall be recovered by the claimant or claimants, the occupant or occupants, shall be entitled to the benefit of all and every of the provisions of this act, against the successful claimant or claimants, although such occupant or occupants, may be unable to shew a derivation of title, either in law or equity from any original patentee of said land.

And the question being taken on agreeing thereto, it was decided in the negative.

The yeas and nays being required thereon by messrs. Green and Anderson, were as follows, viz.

Yeas—Messrs. Bedinger, Blakey, Cassidy, Chisholm, Cockerill, Cooper, Craig, Cravens, Crow, Fletcher, French, Garrard, Gerard, Geohegan, Harris, Hickman, Hughes, King, Lacey, Lancaster, Lee, Mosley, Mullens, M'Elroy, Parker, J. Patterson, W. Patterson, Patton, Philips, O. C. Porter, Prewitt, Roberts, Rudd, Shacklett, Shannon, Sharp, Taylor, Townsend, Warfield and Wilcoxson—40.

Nays—Mr. Speaker, messrs. Allen, Anderson, Boyd, Bray, Butler, Caldwell, Calhoun, J. Clark, Cotton, Emerson, Farrow, Ferguson, Gaines, Green, Grundy, Hall, Howard, Hunter, Logan, Love, Lynch, Lyne, Miller, T. P. Moore, Munford, Murray, M'Afee, M'Millan, Noland, Payne, Piercy, N. P. Porter, Ruffin, Sandford, Scott, Slaughter, Spillman, Stevenson, Stone, Todd, Wakefield, Watkins, Wickliffe, Williams and Woods—46.

The third amendment of the senate, was then concurred in with an amendment.

Ordered, That Mr. Warfield inform the senate thereof, and request their concurrence in said amendments.

Ordered, That a bill from the senate entitled an act for the benefit of Benjamin Bridges, be read a second time.

And thereupon the rule of the house, constitutional provision, and third reading of said bill being dispensed with :

The question was then taken on the passage of said bill, which was decided in the affirmative.

The yeas and nays being required thereon by messrs. Noland and Cockerill, were as follows, viz.

Yeas—Mr. Speaker, messrs. Bedinger, Berry, Boyd, Bray, Brents, Caldwell, Calhoun, Cassidy, Chisholm, J. Clark, Cotton, Craig, Crow, Emerson, Ferguson, French, Garrard, Gerard, Geohegan, Green, Grundy, Hall, Henderson, Hickman, Hughes, Hunter, King, Lacey, Lancaster, Lee, Logan, Love, Miller, H. W. Moore, T. P. Moore, Mullens, Munford, Murray, M'Affee, M'Millan, Parker, J. Patterson, W. Patterson, Patton, Payne, Piercy, Phillips, O. C. Porter, Prewitt, Rife, Rudd, Ruffin, Sandford, Scott, Shacklett, Shannon, Sharp, Slaughter, Spillman, Stevenson, Stone, Taylor, Todd, Townsend, Wakefield, Warfield, Watkins, Wickliffe, Wilcoxson, Winlock and Woods—72.

Nays—Messrs. Allen, Blakey, Butler, Cockerill, Cooper, Cravens, Farrow, Harris, Noland, N. P. Porter, Roberts and Williams—12.

Ordered, That Mr. Miller inform the senate thereof.

A bill from the senate entitled an act forming two new judicial districts, and to regulate certain judicial districts,

Was read the first time.

It was then moved and seconded to postpone the consideration of said bill until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Lancaster and Cooper, were as follows, viz.

Yeas—Messrs. Bedinger, Butler, Calhoun, Cooper, Cotton, Cravens, Crow, Emerson, French, Lacey, Lancaster, Lee, H. W. Moore, M'Elroy, M'Millan, Noland, N. P. Porter, Roberts, Ruffin, Scott, Spillman, Townsend, Wilcoxson, Williams, Winlock, and Woods—25.

Nays—Mr. Speaker, messrs. Anderson, Berry, Blakey, Boyd, Bray, Brents, Caldwell, Cassidy, Chisholm, J. Clark, Cockerill, Craig, Cunningham, Farrow, Ferguson, Fletcher, Garrard, Gerard, Geohegan, Green, Grundy, Hall, Harris, Hickman, Hunter, King, Logan, Miller, T. P. Moore, Mosley, Mullens, Munford, Murray, M'Affee, Parker, J. Patterson, W. Patterson, Patton, Payne, Phillips, O. C. Porter, Prewitt, Rife, Rudd, Sandford, Selby, Shacklett, Shannon, Slaughter, Stone, Taylor, Wakefield, Watkins and Wickliffe—55.

The rule of the house, constitutional provision and second reading of said bill being dispensed with :

The house then adjourned.

WEDNESDAY, DECEMBER 13, 1820.

Mr. Lancaster from the joint committee of enrolments, reported that the committee had examined an enrolled resolution and bills of the following titles, and had found the same truly enrolled, viz.

A resolution fixing a day for the election of a president and directors to the Bank of the commonwealth.

An act to suspend the power vested in the governor and treasurer to subscribe on the part of the state for shares in the Bank of Kentucky.

An act to amend an act entitled an act authorising certain justices of county courts to grant injunctions, writs of ne exeat and habeas corpus, approved February 4, 1818.

An act for the establishment of a road from Frankfort to the Ohio river, opposite the town of Neville.

An act for the benefit of Thomas Mahan.

An act for the benefit of the heirs of John Green.

An act to repeal in part the act declaring Nolin navigable.

An act for the benefit of the stockholders of the late independent banks.

An act to establish seminaries of learning in the counties of Monroe, Grant, Todd, Trigg, Ohio and Daviess.

An act for the benefit of the heirs of John Radford.

An act to establish election precincts in Floyd, Harlan and Bath counties.

An act for the divorce of Cynthia Carson.

An act to authorise the establishing of private passways.

An act for classing tobacco in this commonwealth, and for other purposes.

An act to amend the act to reduce into one the several acts concerning wills, &c. and to repeal in part and amend the act entitled an act to amend the several acts regulating conveyances.

An act to authorise the service of process by coroners in certain cases.

An act repealing in part the act entitled an act providing for the removal of obstructions to the navigation of Floyd's fork.

An act for the benefit of Betsey Horton.

An act allowing an additional number of justices of the peace to certain counties.

An act for the relief of Braxton B. Winn.

An act for the benefit of Thomas Robertson of Henry county.

An act for the benefit of the Breckinridge seminary.

And an act for the benefit of the citizens of the town of Mountsterling.

Whereupon the speaker affixed his signature thereto.

Ordered, That Mr. Lancaster inform the senate thereof.

Mr. Love from the select committee to whom was referred a bill from the senate entitled an act supplemental to an act forming the county of Perry, reported the same with an amendment:

Which being twice read was concurred in.

Ordered, That the said bill as amended, be read a third time.

And thereupon the rule of the house, constitutional provision and third reading of said bill being dispensed with:

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Love inform the senate thereof, and request their concurrence in the said amendment.

Leave was given to bring in the following bills:

On the motion of Mr. N. P. Porter—1. A bill to incorporate the Port William bridge company.

And by Mr. Miller—2. A bill to impose a tax on voluntary sales of merchandise at auction, in the town of Louisville, and for other purposes.

Messrs. N. P. Porter, Gerard, Todd and Townsend, were appointed a committee to prepare and bring in the first; and messrs. Miller, Ferguson and Brents, the second.

The Speaker laid before the house a letter from Henry Cotton, Esq. a member returned to serve in this house from the county of Nelson, announcing a resignation of his seat therein, which was received and read as follows, viz.

TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.
SIR,

Owing to my ill health, it has become necessary for me to resign my seat as a member of that department of the legislature over which you preside. You will please to consider, and accept this as my resignation; and accept assurances of esteem and respect, from sir, your most obedient,
HENRY COTTON.

Geo. C. Thompson, Esq.

Dec. 18, 1820.

On motion,

Ordered, That a writ of election issue to said county of Nelson, for the election of a representative to fill said vacancy ; and that said election be held on Monday next.

A message from the senate by Mr. Turner :

Mr. Speaker,

The senate have passed a bill which originated in this house entitled an act for the benefit of the heirs of Lewis Young, deceased. And they have passed a bill entitled an act for the benefit of the heirs of Johnson Ellis ; in which bill they request the concurrence of this house.

And then he withdrew.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. Todd—1. A bill to incorporate the Broadway Bridge Company.

And by Mr. Miller—2. A bill to impose a tax on voluntary sales of merchandize at auction in the town of Louisville, and for other purposes.

Which bills were severally received and read the first time, and ordered to be read a second time.

A message from the senate by Mr. Slaughter :

Mr. Speaker,

The senate have passed a bill which originated in this house entitled an act to authorise the printing and publishing the map of the land west of the Tennessee river, with an amendment, in which they request the concurrence of this house.

And then he withdrew.

A message from the senate by Mr. Ewing :

Mr. Speaker,

The senate insist on their second amendment proposed to a bill from this house entitled an act to amend an act entitled an act to amend an act concerning occupying claimants of land ; and concur in the amendment proposed by this house to the third amendment of the senate proposed by the senate to said bill. And then he withdrew.

A message from the senate by Mr. Crutcher :

Mr. Speaker,

The senate have passed a bill entitled an act more effectually to prevent the masters or owners of slaves, from suffering them to hire themselves ; in which bill they request the concurrence of this house. And then he withdrew.

A message from the senate by Mr. Owens :

Mr. Speaker,

The senate have passed a bill which originated in this house

entitled an act to add a part of Casey county to the county of Mercer, with amendments, in which they request the concurrence of this house.

And then he withdrew.

Mr. French from the select committee to whom was referred a bill from the senate entitled an act for the benefit of the sheriffs of Greenup and Lewis counties, reported the same with an amendment:

Which being twice read, and the question being taken on concurring in the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Rife and Caldwell, were as follows, to wit:

Yeas—Mr. Speaker, messrs. Allen, Anderson, Bedinger, Berry, Blakey, Boyd, Bray, Brents, Butler, Calhoun, Cassidy, Chisholm, Cockerill, Craig, Cravens, Crow, Farrow, Fletcher, French, Gaines, Gerard, Gordon, Grundy, Hall, Harris, Henderson, Hickman, Hughes, Hunter, King, Lancaster, Lee, Logan, Lynch, Miller, H. W. Moore, T. P. Moore, Mosley, Mullens, Munford, M'Afee, M'Elroy, M'Millan, O'Bannon, J. Patterson, W. Patterson, Piercy, N. P. Porter, O. C. Porter, Prewitt, Rife, Roberts, Sandford, Scott, Selby, Shannon, Slaughter, Stevenson, Taylor, Watkins, Wickliffe, Wilcoxson, Williams and Winlock—65.

Nays—Messrs. Caldwell, J. Clark, Cooper, Cunningham, Emerson, Garrard, Geohagan, Green, Howard, Lacey, Love, Lyne, Murray, M'Kee, Noland, Parker, Payne, Philips, Rudd, Ruffin, Shacklett, Sharp, Spillman, Stone, Todd, Townsend, Wakefield, Warfield and Woods—29.

The said bill as amended, was then ordered to be read a third time to-morrow.

A message from the senate by Mr. Flournoy:

Mr. Speaker,

The senate have passed a bill entitled an act establishing a state lunatic hospital; in which bill they request the concurrence of this house.

And then he withdrew.

A message from the senate by Mr. Bowmar:

Mr. Speaker,

The senate have passed bills of the following titles:—An act for the benefit of the sheriff of Henry county; and an act to extend the prison bounds; in which bills they request the concurrence of this house.

And then he withdrew.

On the motion of Mr. Cassidy,

Ordered, That leave be given to bring in a bill making additional allowance to members of both branches of the legislature; and that messrs. Cassidy, Love and Lee, be appointed a committee to prepare and bring in the same.

Mr. Wickliffe presented the petition of sundry members of a troop of light dragoons, formed out of the 62d and 27th regiments of militia, praying that a law may pass to confirm the organization and officering of said company.

Which was received, read and referred to the select committee to whom was referred the bill to amend the militia law.

A bill from the senate entitled an act to add a part of Gallatin county to Owen county, was read the first and second time, (the rule of the house and constitutional provision having been dispensed with for that purpose,) and committed to the committee of propositions and grievances.

A bill to add a part of Gallatin county to the county of Boone, was read a second time, and committed to the committee of propositions and grievances.

The house took up a bill to amend and extend the charter of the Bank of Kentucky.

Sundry amendments having been made to said bill:

The house then adjourned.

THURSDAY, DECEMBER 14, 1820.

Mr. N. P. Porter presented the remonstrance of sundry citizens of Gallatin county, against the passage of a bill from the senate entitled an act to add a part of Gallatin county to the county of Owen.

Which was received and referred to the committee of propositions and grievances.

Mr. Cassidy from the select committee appointed for that purpose, reported a bill making an additional allowance to the members of both houses of the legislature, which was received and read as follows, viz.

WHEREAS, from a depreciated state of the currency, it seems reasonable that the wages of both branches of the legislature should be raised: Therefore,

Be it enacted by the general assembly of the commonwealth of Kentucky, That after the close of the present session, the members of both branches thereof, shall be entitled to, and receive ——— per day in addition to the wages now al-

lowed by law; also, an additional sum of ——— for every twenty-five miles in travelling to, and returning from the seat of government to their respective places of residence.

It was then moved and seconded to postpone the further consideration of said bill until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Townsend and Cassidy, were as follows, viz.

Yeas—Mr. Speaker, messrs. Allen, Anderson, Bedinger, Berry, Blakey, Boyd, Bray, Brents, Butler, Chisholm, S. D. Clark, Cockerill, Cooper, Cravens, Crow, Cunningham, Emerson, Farrow, Fletcher, French, Gaines, Garrard, Geoghegan, Gordon, Green, Grundy, Hall, Harris, Henderson, Hickman, Hughes, Hunter, Lacey, Lancaster, Lyne, Miller, Mosley, Mullens, Munford, Murray, M'Elroy, M'Kee, M'Millan, Noland, O'Bannon, Parker, W. Patterson, Payne, Piercy, Phillips, N. P. Porter, Prewitt, Roberts, Sandford, Slaughter, Stone, Taylor, Todd, Townsend, Warfield, Wickliffe, Winlock and Woods—64.

Nays—Messrs. Caldwell, Calhoun, Cassidy, J. Clark, Craig, Gerard, King, Lee, Love, H. W. Moore, T. P. Moore, M'Affee, J. Patterson, Rife, Rudd, Ruffin, Scott, Selby, Shacklett, Sharp, Stevenson, Wakefield, Watkins, Wilcoxson and Williams—25.

A message from the senate by Mr. Pope :

Mr. Speaker,

The senate have adopted a resolution which originated in this house relative to the purchasers of public lands of the U. States.

And then he withdrew.

Mr. Cravens from the select committee appointed for that purpose, reported a bill for the benefit of Ann Mitchell.

Which was received and read the first time and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second and third readings of said bill being dispensed with, (the same having been amended at the clerk's table) and the same being engrossed :

Resolved, That the said bill do pass, and that the title thereof be amended by adding thereto the words "and others."

Ordered, That Mr. Cravens carry the said bill to the senate and request their concurrence.

Mr. M'Kee from the committee for courts of justice, made the following report, viz.

The committee for courts of justice, to whom was referred the petition of Robert Poage, have according to the order of the house, had the same under consideration, and submit to the house the following report :

It appears that the petitioner in right of his mother, Mrs. Lindsey, widow of Joseph Lindsey, deceased, is entitled to all the right and claim of the said Joseph Lindsey, deceased, for services rendered to the public or money expended for the public benefit by the said Joseph Lindsey.

The committee have no doubt from the evidence before them, that Joseph Lindsey did act as commissary general of supplies to the army commanded by general George Rogers Clarke in the year 1780 and 1781; that he furnished supplies of subsistence and stores for the army under the orders of general Clarke, and made contracts in the character of commissary general, to a considerable amount.

It further appears to the committee that Joseph Lindsey fell at the battle of the Blue Licks in the summer 1782, and that some short time afterwards general Clarke called on Mrs. Lindsey at Harrodsburg, and took possession of all the public papers of the said Joseph Lindsey. It is alleged by the petitioner that the said Joseph Lindsey made large disbursements of money in the public service out of his private estate, under the expectation that the land warrants obtained by general Clarke, and located in the name of the state of Virginia, west of the Tennessee river, constituted a fund for the reimbursement of the money thus expended; and that the evidences of the amount thus disbursed by Lindsey, as well as the connexion between that disbursement and the land aforesaid, has been withdrawn from the hands of the petitioner by general Clarke in his lifetime, in the manner herein before stated. These allegations have not been supported by positive evidence. It is, however, proved to the satisfaction of the committee, that Joseph Lindsey did contract individual debts for supplies which his private estate was inadequate to pay; and that his death and the loss of the public papers, has occasioned a loss of property to his legal representatives to a considerable amount; but the committee have not been enabled by the most patient and laborious investigation, to ascertain the amount, or to fix on any rule by which the amount could be ascertained with precision or certainty, to which the petitioner ought to be entitled. The whole transaction is of such long standing, that time in its rude march, has cast a veil of mystery and uncertainty over it, and destroyed most of the evidence on which it rests.

The committee supposed it probable that the commissioners appointed by the commonwealth of Virginia to adjust and settle the accounts of the public creditors in the district of Kentucky in the year 1783, might have settled and paid the account of Joseph Lindsey, and whilst the committee cannot positively say that such settlement and adjustment did not take place as it regards some of the demands against Joseph Lindsey, or against the public for supplies furnished by him, yet the committee are well satisfied that the settlement and payment of the debts created by Lindsey, were not *all*, or generally settled and paid by the commissioners aforesaid. It has been alleged by one of the members of the committee that from the circumstance of general Clark's obtaining the public papers of said Lindsey, that it is most probable that gen. Clarke obtained a credit with the state of Virginia for the amount of disbursements made on public account by that officer : This suggestion seems probable, yet the committee are not satisfied that the fact is true as suggested, and it seems unreasonable that a public servant ought to be deprived of his claims for important public services, on mere possibilities.

On the whole, the committee are of opinion that the petition is reasonable, and that provision ought to be made for the settlement and payment of the claims aforesaid. They therefore recommend the following resolutions :

1. *Resolved*, That the petition of Robert Poage, is reasonable.

2. *Resolved*, That provision ought to be made by law for the settlement and payment of the accounts aforesaid.

Which being twice read, the first resolution was concurred in, and the second disagreed to.

A message from the governor by Mr. Breckinridge, his secretary :

Mr. Speaker,

The governor did on yesterday approve and sign enrolled bills which originated in this house of the following titles :

An act to authorise the establishing of private passways.

An act to authorise the service of process by coroners in certain cases.

An act for classing tobacco in this commonwealth, and for other purposes.

An act for the benefit of the Breckinridge seminary.

An act for the relief of Braxton B. Winn.

An act allowing an additional number of justices of the peace to certain counties.

An act repealing in part the act entitled an act providing for the removal of obstructions to the navigation of Floyd's fork.

An act for the benefit of the citizens of the town of Mountsterling.

An act for the benefit of Betsey Horton.

An act for the benefit of Thomas Robertson of Henry county.

An act to amend the act to reduce into one the several acts concerning wills, &c. and to repeal in part and amend the act entitled an act to amend the several acts regulating conveyances.

And then he withdrew.

Ordered, That Mr. Lancaster inform the senate thereof.

A message from the senate by Mr. Slaughter :

Mr. Speaker,

The senate disagree to a bill which originated in this house entitled an act for the benefit of Cornelius Philips. And they have passed a bill entitled an act for the benefit of William W. and George W. Whitaker ; in which bill they request the concurrence of this house.

And then he withdrew.

A message from the senate by Mr. Lackey :

Mr. Speaker,

The senate concur in the amendment proposed by this house to the bill from the senate entitled an act supplemental to an act forming the county of Perry, with an amendment, in which they request the concurrence of this house.

And then he withdrew.

Mr. McKee from the committee for courts of justice, to whom was referred a bill from the senate entitled an act for the benefit of John A. Markley, reported the same without amendment and a resolution thereupon.

Ordered, That the said bill and resolution be laid on the table.

A message from the senate by Mr. Ewing :

Mr. Speaker,

I am instructed by the senate to inform this house that the senate are now ready by a joint vote with this house to proceed to the election of a president and twelve directors of the Bank of the Commonwealth of Kentucky ; and that the following gentlemen stand on nomination before the senate for those offices.

For President—Mr. John J. Crittenden.

And for Directors—Messrs. Willis Field, John Buford,

George B. Knight, Benjamin Branham, James Bartlett, Thomas L. Butler, Charles Julian, Matthew Clark, Silas M. Noel, Jacob Creath, Jacob Swigert, Allan F. Macurdy, Jephthah Dudley, Amos Kendall, James I. Miles, Joseph Roberts, Jacob Castleman, Preston W. Brown, Joseph Smith, Mann Butler, Isaac Caldwell, Samuel B. Crockett, Stanley P. Gower, John W. Wooldridge, Samuel South, Porter Clay, Francis P. Blair, William Starling, Joseph Scott, Lyddall Wilkinson, James Wight and Richard Taylor.

And then he withdrew.

Mr. Selby nominated Mr. Henry Davidge as a proper person to fill the office of director to said bank.

Ordered, That Mr. M'Kee inform the senate of the said nomination, and that this house is now ready to proceed to the said election.

A message from the senate by Mr. Owens :

Mr. Speaker,

I am instructed by the senate to inform this house, that in conducting the vote for the election of a president and directors of the Bank of the Commonwealth of Kentucky, they will observe the same rules observed on former occasions, by dropping the hindmost candidate until some twelve of the candidates shall obtain a majority of the votes of both houses.

And then he withdrew.

The house then proceeded to the said election, in which Mr. Crittenden obtained 85 votes.

And a vote being taken for directors, the result was as follows :

For Willis Field 75, John Buford 59, George B. Knight 76, Benjamin Branham 8, James Bartlett 60, Thomas L. Butler 57, Charles Julian 21, Matthew Clark 6, Henry Davidge 10, Silas M. Noel 33, Jacob Creath 15, Jacob Swigert 32, Allan F. Macurdy 18, Jephthah Dudley 65, Amos Kendall 53, James I. Miles 23, Joseph Roberts 16, Jacob Castleman 41, Preston W. Brown 27, Joseph Smith 46, Mann Butler 17, Isaac Caldwell 32, Samuel B. Crockett 58, Stanley P. Gower 16, John W. Wooldridge 20, Saml. South, 37, Porter Clay 26, Francis P. Blair 55, William Starling 14, Joseph Scott 56, Lyddall Wilkinson 43, James Wight 7, Richard Taylor 21.

Messrs. Garrard, Calhoun, French and Scott, were appointed a committee on the part of this house to meet such committee as should be appointed on the part of the senate to compare the vote and report the state thereof.

The said committee then retired.

Mr. Wickliffe then moved the following resolution, viz.

Resolved by the House of Representatives, That the committee on the part of this house appointed to compare the joint votes for president and directors of the Bank of the Commonwealth of Kentucky, be instructed to reject the vote of the lieutenant governor in the joint vote of both houses of the legislature, and report the result without counting such vote, as it is the opinion of this house that the lieutenant governor has no right to vote in said election.

The Speaker declared the said resolution out of order at the present stage of the election, and because it was a variation of the understanding and rule of election between the houses, settled and agreed on before the vote commenced, and that in order to effectuate the object of the resolution, a respectful and amicable communication with the senate upon the subject ought to be first resorted to.

From the foregoing decision of the Speaker, Mr. Green appealed to the house.

The question was then put, is the decision of the chair correct? which was decided in the negative.

The yeas and nays being required thereon by messrs. Caldwell and Green, were as follows, viz.

Yeas—Messrs. Anderson, Bedinger, Blakey, Bray, Brents, Butler, Cassidy, Chisholm, J. Clark, Cockerill, Craig, Cravens, Farrow, Fletcher, Gaines, Garrard, Gerard, Harris, Hughes, Lacey, Lee, H. W. Moore, Mosley, Mullens, Munford, M'Affee, O'Bannon, W. Patterson, Patton, N. P. Porter, O. C. Porter, Prewitt, Rife, Roberts, Rudd, Selby, Todd, Warfield, Wilcoxson, Williams and Winlock—41.

Nays—Messrs. Allen, Boyd, Caldwell, Calhoun, Cooper, Crow, Cunningham, Emerson, French, Geohegan, Gordon, Green, Grundy, Hall, Henderson, Hickman, Howard, Hunter, King, Lancaster, Logan, Love, Lynch, Lyne, T. P. Moore, Murray, M'Elroy, M'Kee, M'Millan, Noland, Parker, J. Patterson, Payne, Piercy, Sandford, Scott, Shacklett, Shannon, Slaughter, Spillman, Stevenson, Stone, Taylor, Townsend, Wakefield, Watkins, Wickliffe, and Woods—48.

The said resolution having been twice read :

It was then moved and seconded to lay the said resolution on the table for the present.

And the question being taken thereon, it was decided in the negative.

The yeas and nays, being required thereon by messrs. Green and T. P. Moore, were as follows, viz.

Yeas—Messrs. Anderson, Blakey, Brents, Butler, Chisholm, J. Clark, Cockerill, Craig, Cravens, Fletcher, Gaines, Gerard, Harris, Hunter, Lee, Logan, Mosley, Mullens, Murray, M'Affee, M'Kee, O'Bannon, W. Patterson, Patton, N. P. Porter, O. C. Porter, Prewitt, Rife, Selby, Sharp, Taylor, Todd, Warfield, Wilcoxson, and Williams—35.

Nays—Mr. Speaker, messrs. Allen, Bedinger, Berry, Boyd, Caldwell, Calhoun, Cassidy, Cooper, Crow, Cunningham, Emerson, Farrow, French, Garrard, Geobegan, Gordon, Green, Grundy, Hall, Henderson, Hickman, Howard, Hughes, King, Lacey, Lancaster, Love, Lyne, H. W. Moore, T. P. Moore, Munford, M'Elroy, M'Millan, Noland, Parker, J. Patterson, Payne, Piercy, Roberts, Rudd, Sandford, Scott, Shacklett, Shannon, Slaughter, Spillman, Stevenson, Stone, Townsend, Wakefield, Watkins, Wickliffe and Woods—54.

The question was then taken on adopting the said resolution, which was decided in the affirmative.

The yeas and nays being required thereon by messrs. T. P. Moore and Calhoun, were as follows, viz.

Yeas—Messrs. Allen, Anderson, Bedinger, Berry, Blakey, Boyd, Bray, Brents, Caldwell, Calhoun, Cooper, Cravens, Crow, Cunningham, Emerson, French, Gerard, Geobegan, Gordon, Green, Grundy, Hall, Henderson, Hickman, Howard, Hunter, Lancaster, Logan, Love, Lynch, Lyne, T. P. Moore, Mullens, Munford, Murray, M'Affee, M'Elroy, M'Kee, M'Millan, Noland, Parker, J. Patterson, Payne, Piercy, Philips, Prewitt, Roberts, Rudd, Sandford, Scott, Selby, Shacklett, Shannon, Sharp, Slaughter, Spillman, Stevenson, Stone, Townsend, Wakefield, Warfield, Watkins, Wickliffe, Wilcoxson and Woods—65.

Nays—Mr. Speaker, messrs. Butler, Cassidy, Chisholm, J. Clark, Cockerill, Craig, Farrow, Fletcher, Gaines, Harris, Hughes, Lacey, H. W. Moore, Mosley, O'Bannon, W. Patterson, Patton, N. P. Porter, O. C. Porter, Rife, Todd and Williams—23.

And then the house adjourned.

FRIDAY, DECEMBER 15, 1820.

Mr. Prewitt presented the petition of Joseph Robinson of Scott county, praying a divorce from his wife, Elizabeth.

Which petition was received, read and referred to the committee of religion.

Mr. M'Afee from the select committee to whom was referred an engrossed bill entitled an act to improve the navigation of the Ohio river from its mouth to Louisville, reported the same without amendment.

Ordered, That a bill to authorise William Fry and others to build a bridge across the Kentucky river, be recommitteed to a select committee of messrs. M'Kee, T. P. Moore, Calhoun and Caldwell.

Ordered, That the report of the committee for courts of justice on the petition of Littleberry Cotton and others, be recommitteed to the same committee.

Mr. Garrard from the committee appointed on the part of this house to meet a committee on the part of the senate to compare the votes for president and directors of the Bank of the Commonwealth of Kentucky, reported that the joint vote stood thus :

For Willis Field 99, John Buford 82, George B. Knight 107, Benjamin Branham 12, James Bartlett 87, Thomas L. Butler 73, Charles Julian 31, Matthew Clark 10, Henry Davidge 14, Silas M. Noel 45, Jacob Creath 28, Jacob Swigert 67, Allan F. Macurdy 24, Jephthah Dudley 93, Amos Kendall 68, James I. Miles 32, Joseph Roberts 30, Jacob Castleman 51, Preston W. Brown 39, Joseph Smith 57, Mann Butler 22, Isaac Caldwell 58, Samuel B. Crockett 79, Stanley P. Gower 18, John W. Wooldridge 26, Saml. South, 53, Porter Clay 39, Francis P. Blair 73, William Starling 16, Joseph Scott 70, Lyddall Wilkinson 51, James Wight 7, and Richard Taylor 33.

Whereupon Mr. John J. Crittenden was declared duly elected president of the bank ; and messrs. Willis Field, John Buford, George B. Knight, James Bartlett, Thomas L. Butler, Jacob Swigert, Jephthah Dudley, Amos Kendall, Samuel B. Crockett, Francis P. Blair and Joseph Scott, directors.

The names of the following gentlemen, at their request, were withdrawn from the nomination, viz.

Silas M. Noel, Jacob Creath, Benjamin Branham, Stanley P. Gower, Preston W. Brown, John W. Wooldridge, Allan F. Macurdy, Porter Clay, William Starling, James I. Miles, Richard Taylor and Henry Davidge.

The house then proceeded to a vote for the election of one other director, between the other gentlemen whose names were not withdrawn, when the vote stood thus :

For Mr. Isaac Caldwell 23 ; for Mr. Joseph Smith 20 ; for Mr. Jacob Castleman 8 ; for Mr. Samuel South 9 ; for Mr. Lyddall Wildinon 31.

The said committee then retired, and after a short time returned, when Mr. Garrard reported that the joint vote stood thus :

For Mr. Caldwell 38, Mr. Smith 25, Mr. Castleman 17, Mr. Wilkinson 36, Mr. South 11.

A message from the senate by Mr. Barbee :

Mr. Speaker,

I am directed by the senate to inform this house that the only persons remaining on the nomination for a director of the Bank of the Commonwealth of Kentucky, are messrs. Isaac Caldwell, Joseph Smith and Lyddall Wilkinson.

And then he withdrew.

No one by the last comparison of votes, having obtained a majority of all the votes given, the house proceeded to a vote between the three last named gentlemen, when it stood thus :

For Mr. Isaac Caldwell 30 ; for Mr. Joseph Smith 26 ; for Mr. Lyddall Wilkinson 36.

The same committee again retired, and after a short time returned, when Mr. Garrard reported that the joint vote stood thus :

For Mr. Isaac Caldwell 49 ; for Mr. Joseph Smith 35 ; for Mr. Lyddall Wilkinson 45.

No one on the nomination having obtained a majority of all the votes, the house proceeded to a vote between the two highest candidates (the lowest having been dropped,) when it stood thus :

For Mr. Isaac Caldwell 43 ; for Mr. L. Wilkinson 49.

The said committee again retired, and after a short time returned, when Mr. Garrard reported that the joint vote stood thus :

For Mr. Isaac Caldwell 65 ; for Mr. Lyddall Wilkinson 64.

Whereupon Mr. Isaac Caldwell having obtained the greatest number and a majority of all the votes given, was declared duly elected.

On the motion of Mr. Payne,

Ordered, That leave be given him to withdraw a resolution laid on the table by him fixing on a day for a final adjournment of this legislature.

A message from the senate by Mr. Ewing :

Mr. Speaker,

The senate have passed a bill which originated in this house entitled an act for the relief of Ann Mitchell and others.

And then he withdrew.

Mr. King from the select committee appointed for that purpose, reported a bill for the relief of the heirs of William Long, deceased.

Which was received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second and third readings of said bill being dispensed with, and the same being engrossed :

Resolved, That the said bill do pass, and that the title thereof be as aforeaaid.

Ordered, That Mr. King carry the said bill to the senate and request their concurrence.

A bill from the senate entitled an act to amend the acts incorporating the Frankfort and Shelbyville, and Shelbyville and Louisville turnpike road companies, was read the first and second times, (the rules of the house and constitutional provision having been dispensed with for that purpose,) and committed to a select committee of messrs. Todd, Piercy, Boyd, Miller, Bray, Gerard and Logan.

The house resumed the consideration of a bill to amend and extend the charter of the Bank of Kentucky.

It was then moved and seconded to lay the said bill on the table for the present.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Shannon and Cassidy, were as follows, viz.

Yeas—Mr. Speaker, messrs. Allen, Anderson, Berry, Blakey, Brents, Calhoun, Cassidy, J. Clark, Cockerill, Craig, Cravens, Crow, Cunningham, Fletcher, Gaines, Geohagan, Gordon, Grundy, Hall, Harris, Hughes, Lee, Lynch, Mosley, Mullens, Munford, Murray, M'Afee, M'Elroy, O'Bannon, J. Patterson, W. Patterson, N. P. Porter, Prewitt, Rife, Roberts, Rudd, Ruffin, Selby, Shacklett, Shannon, Sharp, Slaughter, Taylor, Wilcoxson and Williams—47.

Nays—Messrs. Boyd, Bray, Butler, Caldwell, Cooper, Emerson, Farrow, Garrard, Gerard, Green, Henderson, Hickman, Howard, Hunter, King, Lacey, Lancaster, Logan, Lyne, Miller, H. W. Moore, M'Kee, M'Millan, Noland, Parker, Payne, Piercy, Philips, Sandford, Scott, Spillman, Stevenson, Stone, Todd, Townsend, Wakefield, Watkins, Wickliffe, Winlock and Woods—41.

And then the house adjourned.

SATURDAY, DECEMBER 16, 1820.

Mr. M'Millan from the committee of propositions and grievances, to whom was referred a bill from the senate entitled an act for adding a part of Gallatin to Owen county, reported the same without amendment.

Ordered, That the said bill be read a third time.

Mr. M'Millan from the same committee to whom was referred a bill to add a part of Gallatin county to the county of Boone, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision and third reading of said bill being dispensed with, and the same being engrossed :

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Scott carry the said bill to the senate and request their concurrence.

Mr. S. D. Clark read and laid on the table the following resolution, viz.

Resolved by the Senate and House of Representatives, That their adjournment on Saturday the 23d instant, shall be without day.

Mr. Cockerill from the select committee appointed for that purpose, reported a bill to amend an act entitled an act to regulate sales under execution, approved February 11, 1820.

Which was received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house and second reading of said bill being dispensed with :

Ordered, That the public printers forthwith print 150 copies of said bill for the use of the members of this house.

Mr. Todd from the select committee to whom was referred a bill from the senate entitled an act to amend the acts incorporating the Frankfort and Shelbyville, and Shelbyville and Louisville turnpike road companies, reported the same with an amendment :

Which being twice read was concurred in.

Ordered, That said bill be laid on the table.

The messages of the governor communicated on the 9th and 12th instant, were taken up and read as follows, viz.
Gentlemen of the Senate,

And of the House of Representatives,

I have just received, and now do myself the honor of laying before you, a copy of a letter from his Excellency, the

governor of the state of Vermont, enclosing a resolution of the legislature of that state, not concurring in the amendment to the constitution of the United States, proposed by the legislature of the state of Pennsylvania.

I am, Gentlemen,

With due respect, yours,

JOHN ADAIR.

December 12th, 1820.

STATE OF VERMONT,

In General Assembly, November 7th, 1820. }

Resolved, The governor and council concurring therein, that it is inexpedient to concur in the amendment to the constitution of the United States, proposed to the consideration of the several states, by the state of Pennsylvania, which is as follows, to wit :

“ Congress shall make no law to erect or incorporate any bank or other monied institution, except within the District of Columbia ; and every bank or other monied institution, which shall be established by the authority of congress, shall, together with its branches and offices of discount and deposit, be confined to the District of Columbia.”

Resolved, That the governor of this state be requested to transmit copies of the foregoing resolution to the executives of the several states, with a request that they lay the same before the legislatures thereof.

In General Assembly, November 7th, 1820.

Resolution adopted.

Att.

WM. D. SMITH, Clerk.

In Council, 8th November, 1820.

Read, and resolved to concur with the house of representatives.

R. TEMPLE, Sec. to Gov. and Council.

A true copy,

R. TEMPLE, Secretary.

STATE OF VERMONT, MONTPELIER, Nov. 9, 1820.

SIR,

In obedience to the direction of the legislature of the state of Vermont, I herewith transmit to your Excellency, certain resolutions of that legislature, and request the same

may be laid before the legislature of the state over which you preside.

I am, sir,

Very respectfully, your ob't. serv't.

RICHARD SKINNER.

His Excellency, the Governor of Ky.

Gentlemen of the Senate.

And of the House of Representatives,

I transmit for your consideration a copy of a letter received from his Excellency the governor of Louisiana, together with a report of a committee of the legislature of that state, relative to the establishment of hospitals. Believing that the subject is highly important to the state of Kentucky, both as it relates to the health of her citizens, and to forwarding her most useful commerce, I would beg leave to suggest that of the three sites named in the report, the one at or near Covington, is at this time, by far the most important to us. The one at Baton Rouge is of much more importance than the one on Redriver; but all of sufficient importance to induce the aid of this state so far as her funds will permit.

I am, Gentlemen,

With due consideration, yours,

JOHN ADAIR.

December 9th, 1820.

NEW ORLEANS, JULY 17th, 1820.

TO HIS EXCELLENCY THE GOVERNOR OF THE STATE OF KENTUCKY.

SIR—I have the honor to enclose to your Excellency, pursuant to a resolve of the legislature of Louisiana, a report made at their last session on the subject of certain hospitals to be established within this state. Different places are designated for erecting these hospitals, and it is suggested that the expences incident thereto, should be supported by this state as well as by the states of Kentucky, Ohio, Tennessee, Indiana, Illinois, Mississippi and Missouri respectively. The importance of charitable institutions, and the blessings which will derive therefrom for our fellow citizens, induce me to hope and request, that your Excellency will favor me with your views in relation to the aforesaid establishment, and to the means contemplated for carrying the same into execution.

With feelings of great respect,

I have the honor to subscribe myself,

Sir, your Excellency's obedient servant,

Ts. VILLERY.

The committee appointed on the resolution for authorising the governor to correspond with the executives of the western states and territories, in relation to the establishment of certain hospitals within this state, respectfully report, that they have given the subject the deliberation which its importance demands.

The claims of humanity, combined with the great interests resulting to this state, by securing to the trade and navigation of the Mississippi its utmost protection and encouragement, and to emigration its freest course of action, require the early establishment of certain hospitals, for the occasional relief of persons employed in the commerce of the river, from western states and territories.

Navigators and traders descending the river from more northern latitudes, arrive at New-Orleans generally in good health; either from the sudden change of climate, the want of proper caution in the economy of health, or the existence of contagious fevers, considerable numbers of those persons become sick; in that debilitated condition, they set out often in a sultry or otherwise inclement season, to return home.—The routes usually pursued are up the river, or along the national road which has been opened by the general government for facilitating the intercourse between the western states and New-Orleans. In a short time these unfortunate persons being unable to proceed, in some instances, stop under the first hospitable roof that will receive them. Others are arrested by disease along the shores, or in the fields. In either of these forlorn situations, a great majority die for the want of common medical aid, and the proper kind of nourishment and attendance, which, perhaps more than medicine, tends to arrest the hand of death, and to shorten the term of convalescence.

Numerous examples of the cases here described, either in an increased or diminished proportion, occur every year.

During the last season, it has been ascertained from authentic information, that many persons afflicted with disease, and unable to assist themselves, were charitably received into the Military Hospital at Baton Rouge; that numbers made application for the shelter and aid of that institution, who could not be admitted within it. That many in an extreme state of disease, were landed from the boats in the vicinity of the village, who died in the fields or on the banks of the Mississippi, for the want of common assistance. These individuals were principally boatmen from Kentucky, Ohio and other states on the Ohio river.

It has been ascertained also, from sources of information equally entitled to credit, that large numbers of persons belonging to the class of traders and navigators from the upper states, were taken sick on the great national road leading from Madisonville to Nashville in Tennessee, returning from New-Orleans. These were exposed to an extreme degree of suffering, and in a majority of instances, became victims to disease from the same causes that have been mentioned. A large and daily increasing population on the waters of Red river and its tributary streams, from the cultivation of cotton almost to the exclusion of other productions, are dependant in a great degree on the western states for provisions of every kind. This circumstance necessarily occasions a vast influx of traders, at a season of the year when the disorders peculiar to southern climates are at their greatest height of virulence. These traders arrive at a late season of the year at these markets. From this mart until the markets on the Mississippi are supplied, no trader will undertake the difficult navigation of those rivers. The situation of these traders may be easily imagined. They are attacked by disorders of the most deadly kind; disorders which require immediate relief. They are strangers in our country, a large majority poor and destitute, and all of them ignorant of the language spoken by the majority of our citizens; from all of which, they are in a peculiar manner entitled to public care and solicitude.

Independent of the claims of humanity, and the interests of our commerce, which demand a speedy alleviation of these evils, there is one fact which requires the attention of the legislature. The burthen of yielding protection to the above described class of sufferers, falls with heavy effect upon a part of the community only. Neither our own state, or the states and territories equally interested in commercial intercourse, bear any proportion of the burthen. Under the operation however of equal laws and a just policy, it is not to be doubted that it should be properly shared by the respective communities who are to receive the highest degree of aggregate advantage.

In another point of view, it is evident that the frequent recurrence of such disasters as have been described, must in time, excite a degree of alarm and caution in the western traders; calculated to damp the spirit of enterprise, and weaken the chain of commercial intercourse which this state must ever feel a primary interest in preserving unimpaired.

Whatever force may be ascribed to the principle, that the hope of gain is a more powerful impulse in human nature than the fear of death, and that this fact, combined with necessity, will always act so imperiously on the western people, as to insure the continuance of the trade through the channel of the Mississippi, yet it will be prudent to recollect, that there are causes now rapidly developing, which may tend to disappoint expectations derived from these sources.

The states of New-York, Pennsylvania and Virginia, are making gigantic strides in public improvements. These chiefly relate to these to higher views of political economy, which are designed to connect the atlantic waters with those of the western country. Every effort will be made to draw the commerce from its old channels, through the valley of the Mississippi, and give it a direction towards the east by opening different avenues of communication between the Mississippi and Ohio, and the atlantic states. The practicability of such an enterprise no longer remains a question. It is easy to be foreseen to what an extent its effects may be carried by the agency of steam boats, the employment of capital, and the innumerable allurements which capital never fails to create in favor of a market. The want of a corresponding enterprise on our part, in giving the highest degree of protection to the commerce and navigation of the Mississippi, will aid the accomplishment of views, which if realized, must in time deprive this state of the whole trade of the upper country, above the mouth of the Ohio.

From the foregoing considerations, the committee are of opinion, that no means should be neglected by the legislature to remove every obstacle, however seemingly unimportant, that might even remotely tend to check the commercial intercourse between this state and the western states and territories; among these, they class the evils which have formed the subject of this report. They are of opinion that they may be in a great measure alleviated by the establishment of hospitals for the reception of such persons engaged in the trade of the river, as may hereafter require it. They think that one of these might be erected at Baton Rouge, another at the town of Covington, or somewhere in its neighborhood, and another in some position on Red river at Natchitoches or elsewhere. These situations are perfectly convenient for the purpose herein contemplated. They are represented to be healthy, and in parts of the country, where suitable provisions for hospital establishments are easily attainable.

Your committee are further of opinion, that as the interests of this state, and of the upper states and territories, are equally to be influenced by every institution that secures and encourages the trade of the Mississippi, it is just, that the expence necessary for the creation and support thereof, should be reciprocal.

The committee, from the foregoing general view of the subject, submit to the consideration of the general assembly the subjoined resolution.

Resolved by the Senate and House of Representatives of the state of Louisiana, in General Assembly convened. That the governor be, and he is hereby authorised to correspond with the executives of the Missouri Territory, and of the states of Illinois, Indiana, Ohio, Kentucky, Tennessee and Mississippi, for the purpose of ascertaining from those executives their views in relation to the aforesaid establishment, and whether the aforesaid states and territories will jointly contribute with this state, for the creation and support of the same for the foregoing purposes; and also, that he be requested to lay the said correspondence before the general assembly at their next meeting.

Approved, March 11th, 1820.

Mr. Lancaster from the joint committee of enrolments, reported that the committee had examined enrolled bills and a resolution of the following titles:

An act for the benefit of the widow and heirs of William Lewis, deceased.

An act to incorporate the New-Liberty library company.

An act for the benefit of the heirs of Lewis Young, deceased.

An act for the relief of Ann Mitchell and others.

And resolutions in relation to the purchase of the public lands of the United States.

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

Ordered, That Mr. Lancaster inform the senate thereof.

The house took up a bill from the senate entitled an act for the benefit of John A. Markley, and the resolution reported from the committee for courts of justice thereupon; which said resolution was twice read as follows, viz.

The committee for courts of justice have according to order, had under consideration a bill from the senate entitled an act for the benefit of John A. Markley, and have come to the following resolution thereupon, to wit:

Resolved, That the said bill ought not to pass.

It was then moved and seconded to amend said resolution by striking out the word "not."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Shacklett and Cassidy, were as follows, viz.

Yeas—Mr. Speaker, messrs. Allen, Anderson, Bedinger, Berry, Blakey, Boyd, Bray, Caldwell, Calhoun, Cassidy, J. Clark, S. D. Clark, Cockerill, Cooper, Craig, Crow, Cunningham, Emerson, Gaines, Garrard, Gerard, Geohagan, Gordon, Green, Grundy, Hall, Harris, Hickman, Howard, Hunter, King, Lacey, Lancaster, Lee, Love, Lynch, Lyne, Miller, H. W. Moore, T. P. Moore, Mosley, Munford, Murray, M'Acce, M'Kee, M'Millan, Noland, Parker, J. Patterson, W. Patterson, Philips, O. C. Porter, Prewitt, Rife, Roberts, Rudd, Ruffin, Scott, Shacklett, Slaughter, Spillman, Stevenson, Stone, Taylor, Todd, Townsend, Wakefield, Warfield, Wickliffe, Wilcoxson and Williams—72.

Nays—Messrs. Brents, Butler, Fletcher, O'Bannon, N. P. Porter, Selby and Woods—7.

The said resolution as amended, was then concurred in.

The said bill was then ordered to be read a third time.

And thereupon the rule of the house, constitutional provision, and third reading of said bill being dispensed with :

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Wickliffe inform the senate thereof.

A message from the senate by Mr. Williams :

Mr. Speaker,

The senate have passed a bill which originated in this house entitled an act for the divorce of Betsey Craig, Polly Stewart and Martha Dunlavy.

And then he withdrew.

Ordered, That a bill from the senate entitled an act forming two new judicial districts, be postponed until the first day of June next.

The house took up the amendments proposed by the senate to a bill from this house entitled an act to authorise the printing and publishing the map of the land west of the Tennessee river ; and a bill entitled an act to add a part of the county of Casey to the county of Mercer.

Which being twice read were concurred in.

Ordered, That Mr. J. Clark inform the senate thereof.

The house then proceeded to reconsider the second amendment proposed by the senate to a bill from this house entitled

an act to amend an act entitled an act to amend an act concerning occupying claimants of land.

The said amendment of the senate, was then again read as follows, viz.

§ 10. *Be it further enacted*, That where any bona fide and innocent occupant of land, being a bona fide purchaser by written contract or deed, or holding the same by descent, under a purchase made as aforesaid, is sued or shall hereafter be sued, and the land shall be recovered by the claimant or claimants, the occupant or occupants shall be entitled to the benefit of all and every of the provisions of this act against the successful claimant or claimants, although such occupant or occupants, may be unable to shew a derivation of title either in law or in equity from any original patentee of said land.

It was then moved and seconded that this house recede from their disagreement to said amendment, with the following amendment. Add to the senate's amendment:

Provided however, That nothing contained in this section or any other section of this act, shall be construed to extend to any case where a decree or judgment has been rendered, declaring the right to the property, although commissioners shall not have been appointed to value the improvements; but proceedings shall be had thereon under the laws now in force.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Roberts and Cassidy, were as follows, viz.

Yeas—Messrs. Bedinger, Berry, Blakey, Calhoun, Cassidy, S. D. Clark, Cockerill, Craig, Cravens, Cunningham, Farrow, Fletcher, Gaines, Garrard, Geohegan, Hall, Harris, Hickman, Hughes, Lacey, Lancaster, Lee, T. P. Moore, Mosley, Munford, M'Elroy, M'Kee, M'Millan, Parker, W. Patterson, Patton, Philips, N. P. Porter, O. C. Porter, Roberts, Rudd, Sandford, Shacklett, Sharp, Taylor, Warfield, Wilcoxson, Williams and Winlock—44.

Nays—Messrs. Anderson, Bray, Caldwell, J. Clark, Cooper, Crow, Emerson, Gordon, Green, Grundy, Howard, H. W. Moore, M'Afee, Noland, O'Bannon, Rife, Roslin, Scott, Selby, Slaughter, Spillman, Stone, Wakefield, Watkins and Wickliffe—25.

Ordered, That Mr. Warfield inform the senate thereof.

Mr. Wickliffe moved the following resolution, viz.

Resolved, That when the house take up the orders of the day,

that they will commence where they ceased on the preceding day, and progress regularly through the business, giving to no bill a preference, except when taken up by a vote of the house.

Which being twice read, was concurred in.

And then the house adjourned.

MONDAY, DECEMBER 18, 1820.

On the motion of Mr. Bray,

Ordered, That leave be given to bring in a bill for the benefit of the representatives of Samuel Beall, deceased; and that messrs. Bray, Fletcher, Ferguson and J. Clark, be appointed a committee to prepare and bring in the same.

On the motion of Mr. T. P. Moore,

Ordered, That leave be given to bring in a bill to change the time of the meeting of the legislature; and that messrs. T. P. Moore, Allen, Murray, Shacklett and Logan, be appointed a committee to prepare and bring in the same.

Mr. Bray from the select committee appointed for that purpose, reported a bill for the benefit of the representatives of Samuel Beall, deceased.

Which was received and read the first time and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second and third readings of said bill being dispensed with, and the same being engrossed:

Resolved, That the said bill do pass, and that the title thereof be as aforeaaid.

Ordered, That Mr. Bray carry the said bill to the senate and request their concurrence.

A message from the senate by Mr. Williams:

Mr. Speaker,

The senate have passed bills which originated in this house of the following titles:

An act for the relief of the heirs of William Long, deceased; and an act for the benefit of the heirs of Morgan Pitcher, deceased, with an amendment to the latter bill, in which they request the concurrence of this house.

And then he withdrew.

Mr. M'Kee from the select committee to whom was referred a bill to authorise William A. Fry and others to build a bridge across the Kentucky river, reported the same with an amendment:

Which being twice read, was concurred in.

Ordered, That the said bill as amended, be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision and third reading of said bill being dispensed with, and the same being engrossed :

Resolved, That the said bill do pass, and that the title thereof be amended by adding thereto the words, "and for other purposes."

Ordered, That Mr. M'Kee carry the said bills to the senate and request their concurrence.

A message from the senate by Mr. Slaughter :

Mr. Speaker,

The senate have passed a bill entitled an act to change the terms of the Logan circuit court; in which bill they request the concurrence of this house.

And then he withdrew.

A message from the senate by Mr. Ewing :

Mr. Speaker,

The senate concur in the amendment proposed by this house upon receding from their disagreement to the second amendment proposed by the senate to a bill which originated in this house entitled an act to amend an act entitled an act to amend an act concerning occupying claimants of land.

And then he withdrew.

Ordered, That the lists of the debtors to the Bank of Kentucky, furnished by the president and directors of the bank, be referred to the joint committee appointed to examine said bank.

Mr. M'Kee from the select committee to whom was referred an engrossed bill entitled an act to amend the law relative to executions, reported the same with sundry amendments. The first amendment proposed by said committee being concurred in; the second amendment which proposes to strike out the second section of said bill, and to substitute a section in lieu thereof, was amended to read as follows, viz.

§ 2. *Be it further enacted*, That whenever any lands or tenements, shall be sold on execution, it shall and may be lawful for any creditor by execution or order of sale of the person whose lands or tenements shall have been sold, his executors or administrators, within twelve months from and after said sale, to redeem the said lands or tenements, by paying or tendering to the purchaser thereof, the amount of the purchase money, or such bank paper which by endorsement, he, she or they, may have agreed to receive in payment, which

may have been paid on the purchase thereof, together with six per cent. interest thereon, from the time of its payment to the purchaser, his executors or administrators, or to the sheriff of the county in which the lands or tenements may lie, for his or their use; and also, by releasing to the debtor the amount of his execution; whereupon the purchaser or sheriff, shall give a receipt for the amount of the purchase money with interest; which receipt, together with the release of the execution aforesaid, shall be filed with the clerk of the county court of the county in which the lands or tenements may lie, within thirty days after the time of redemption aforesaid; and it shall be lawful for any other creditor or creditors, by execution or order of sale of the person whose lands or tenements shall have been sold, within twelve months from and after said sale, to redeem the previous redeeming creditor successively, by paying or tendering to the previous redeeming creditor or the sheriff for his use, the amount of the purchase money with interest, and the amount of the execution released, and by releasing the amount of his own execution, and upon his filing the receipt of the previous redeeming creditor, or of the sheriff for his use, and the release of his own execution with the clerk of the county court of the county within which the lands and tenement may lie, the right to said lands or tenements so sold, shall successively vest in the last redeeming creditor, unless the same shall be redeemed as hereinafter mentioned by the person whose lands or tenements shall have been sold, his heirs or representatives: *Provided however*, if the purchaser or creditor who shall have redeemed the estate under the provisions of this act, shall refuse to accept bank paper of the kind which he paid for the property when tendered to him within the period prescribed by this act, the defendant or any creditor, shall have the further time of _____ months to redeem the same in money; and upon such payment being paid, the said sale and the certificate granted thereon, shall be null and void.

It was then moved and seconded to fill the blank in the proviso to said section as amended, with "*eighteen months*."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Wilcoxson and Hughes, were as follows, viz.

Yeas—Messrs. Allen, Blakey, Brents, Cassidy, J. Clark, Craig, Fletcher, Gaines, Gerard, Gordon, Harris, Henderson, Hughes, Lee, Miller, H. W. Moore, Mosley, Mullehs, Munford, M'Affee, O'Bannon, Patton, N. P. Porter, O. C.

Porter, Rife, Rudd, Scott, Selby, Slaughter, Taylor, Wilcoxson and Winlock—32.

Nays—Mr. Speaker, messrs. Anderson, Barnett, Bedinger, Berry, Boyd, Bray, Butler, Caldwell, S. D. Clark, Cooper, Cravens, Crow, Cunningham, Emerson, Ferguson, Garrard, Geohegan, Green, Hall, Hickman, Howard, King, Lacey, Lancaster, Logan, Love, Lynch, T. P. Moore, Murray, M'Elroy, M'Kee, M'Millan, Noland, Parker, Phillips, Prewitt, Shacklett, Sharp, Spillman, Stone, Todd, Wakefield, Warfield, Watkins, Wickliffe, Williams and Woods—48.

The said blank was then filled with twelve months.

The remaining amendments were then concurred in. And the said bill being further amended :

The question was then taken on engrossing said bill and reading it a third time, which was decided in the affirmative.

The yeas and nays being required thereon by messrs. Lancaster and Rife, were as follows, viz.

Yeas—Mr. Speaker, messrs. Bedinger, Boyd, Brents, Butler, Caldwell, Cassidy, J. Clark, Craig, Cravens, Emerson, Farrow, Ferguson, Fletcher, Gaines, Garrard, Gerard, Harris, Henderson, Hughes, Lee, Logan, Miller, H. W. Moore, T. P. Moore, Mosley, Mullens, Murray, M'Affee, M'Kee, M'Millan, Patton, Piercy, N. P. Porter, Rife, Roberts, Rudd, Ruffin, Sandford, Scott, Slaughter, Taylor, Todd, Warfield, Wickliffe, Wilcoxson, Winlock and Woods—48.

Nays—Messrs. Anderson, Barnett, Berry, Blakey, Bray, Calhoun, Cooper, Crow, Cunningham, Geohegan, Gordon, Green, Grundy, Hall, Howard, King, Lancaster, Love, Lynch, Munford, M'Elroy, Noland, Parker, W. Patterson, Phillips, O. C. Porter, Prewitt, Selby, Shacklett, Sharp, Spillman, Stone, Townsend, Wakefield, Watkins, and Williams—36.

A bill to divide the fifth judicial district, was taken up, amended, and ordered to be engrossed and read a third time.

A message from the governor by Mr. Anderson :

Mr. Speaker,

I am directed to inform this house that the governor did on the 16th instant, approve and sign enrolled bills which originated in this house of the following titles :

An act for the relief of Ann Mitchell and others.

An act to incorporate the New-Liberty library company.

An act for the benefit of the widow and heirs of William Lewis, deceased.

An act for the benefit of the heirs of Lewis Young, deceased.

And resolutions in relation to the purchase of the public lands of the United States.

And then he withdrew.

Ordered, That Mr. Lancaster inform the senate thereof.

The house took up the amendments proposed by the senate upon concurring in those proposed by this house to a bill from the senate entitled an act supplemental to an act forming the county of Perry.

Which being twice read, were concurred in.

Ordered, That Mr. Love inform the senate thereof.

Mr. Lancaster from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles :

An act to amend an act entitled an act to amend an act concerning occupying claimants of land.

An act to authorise the printing and publishing the map of the land west of the Tennessee river.

An act for the divorce of Betsey Craig, Polly Stewart and Martha Dunlavy.

An act to establish the Lindley academy in Henry county, and incorporate trustees to that institution.

And an act for the relief of the heirs of William Long, deceased.

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

Ordered, That Mr. Lancaster inform the senate thereof.

A bill from the senate entitled an act for the benefit of the sheriffs of Greenup and Lewis counties, was read a third time as amended.

And the question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Howard and Cooper, were as follows, viz.

Yeas—Mr. Speaker, messrs. Allen, Anderson, Berry, Blakey, Boyd, Bray, Brents, Cassidy, J. Clark, Cockerill, Craig, Cravens, Crow, Fletcher, Gaines, Gerard, Grundy, Hall, Harris, Henderson, Hughes, King, Lancaster, Logan, Lynch, Miller, H. W. Moore, Mosley, Munford, M'Afee, M'Elroy, M'Millan, J. Patterson, W. Patterson, Piercy, N. P. Porter, O. C. Porter, Prewitt, Roberts, Sandford, Scott, Selby, Slaughter, Taylor, Watkins and Williams—47.

Nays—Messrs. Bedinger, Caldwell, S. D. Clark, Cooper, Cunningham, Emerson, Ferguson, Garrard, Geohegan, Gor-

don, Green, Howard, Lacey, Love, Murray, McKee, Nolan, Parker, Payne, Phillips, Ruffin, Shacklett, Sharp, Spillman, Stevenson, Stone, Todd, Townsend, Wakefield, Wickliffe and Woods—St.

Ordered, That the clerk inform the senate thereof, and request their concurrence in the said amendments.

An engrossed bill entitled an act to improve the navigation of the Ohio river from its mouth to Louisville, was read a third time as follows, viz.

§ 1. *Be it enacted by the general assembly of the commonwealth of Kentucky*, That the sum of dollars be, and the same is hereby appropriated out of any money in the treasury, for the purpose of improving the navigation of the Ohio river from its mouth to Louisville.

§ 2. *Be it further enacted*, That the said sum of money shall not be drawn from the treasury until the governor of this commonwealth shall have opened a correspondence with the states of Tennessee, Illinois, Indiana, Ohio, Pennsylvania and Virginia, upon the subject of giving aid, and shall receive information that some two or more of them have made an appropriation to an amount hereafter specified.

§ 3. *Be it further enacted*, That so soon as the governor of this state shall have received official information that the aforesaid states, or any two or more of them, have agreed to appropriate a sum or sums, amounting in the whole to

for the purposes aforesaid, he is hereby authorised to appoint one commissioner (and from time to time renew the same in case of death, resignation or refusal to act,) well qualified to superintend said improvement, whose duty it shall be to examine the several obstructions in all that part of the river aforesaid, whether they be occasioned by rocks, sand-bars or otherwise, and to cause the same to be so removed as to make a channel of sufficient depth and width for the safe passage of steam boats not drawing greater depth of water than feet, at the lowest stage of the water.

§ 4. *Be it further enacted*, That previous to said commissioner receiving any portion of the money appropriated by this act, he shall enter into bond with approved security in the penalty of dollars, payable to the governor (and his successors in office) of this commonwealth, for the faithful performance of the trust in him reposed, and having done so, he shall be authorised to enter into contracts in behalf of this state with any person or persons, for the performance of said undertaking, in such portions, and in such manner as he may believe will best conduce to the interest of

the state or states concerned ; and if the whole of the work cannot be engaged at one time, those obstructions nearest the mouth of the river, shall be first removed.

§ 5. *Be it further enacted*, That said commissioner, when appointed, upon application to the governor, shall receive one fourth part of the appropriation aforesaid, and may continue to draw as the work progresses upon his reporting to the governor a true statement of the expenditure and progress ; and said report or reports, shall be laid before the legislature at their following session.

§ 6. *Be it further enacted*, That as soon as said work is completed, said commissioner shall make out his account, as to the number of days he shall have been employed in attending to and directing said improvement ; and he shall be allowed the sum of dollars for each day so employed ; and any other state making an appropriation, may appoint one or more commissioners, who may act in joint operation with the commissioner of this state.

§ 7. *Be it further enacted*, That the commissioner while employed in said business, shall make out a chart of all the bends, islands, bars and other remarkable objects ; also, such notes, describing the deepest and most safe channel, as well of the river in general, as in those places in which the channel may be deepened, so as to enable the navigator to pursue the proper channel ; which said chart and notes, shall be deposited in the office of the secretary of state, for such use as the general assembly may hereafter direct.

It was then moved and seconded to postpone the further consideration of said bill until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Noland and Roberts, were as follows, viz.

Yeas— Messrs. Anderson, Bedinger, Berry, Blakey, Brents, Caldwell, Cassidy, J. Clark, Cockerill, Cooper, Emerson, Farrow, Gaines, Geoligan, Gordon, Hall, Harris, Lacey, Lancaster, Lynch, H. W. Moore, Munford, M'Elroy, Noland, Parker, J. Patterson, W. Patterson, Payne, O. C. Porter, Prewitt, Rife, Roberts, Rudd, Ruffin, Sandford, Scott, Shacklett, Sharp, Stone, Taylor, Wickliffe, Williams, Winlock and Woods—44.

Nays— Mr. Speaker, messrs. Allen, Boyd, Bray, Butler, Craig, Crow, Cunningham, Ferguson, Fletcher, Garrard, Gerard, Green, Grundy, Henderson, Hickman, Howard, King, Logan, Love, Miller, T. P. Moore, Murray, M'Allec, M'Kee,

M'Millan, Piercy, Philips, N. P. Porter, Spillman, Stevenson, Todd, Townsend, Wakefield, Watkins and Wilcoxson—\$4.

Bills from the senate of the following titles, viz :—1. An act authorising the auditor of public accounts to procure certain books and transcribe certain entries and memorandums; 2. An act for the benefit of Elijah King; 3. An act providing for the collection of the revenue of Harlan county for the year 1819; 4. An act authorising the register to perform certain duties; 5. An act to amend the act appropriating fines and forfeitures for the purposes of promoting education; 6. An act for transcribing certain surveys on treasury warrants in Green county; 7. An act authorising the trustees of the Harlan academy to sell their donation lands; 8. An act to authorise the secretary of state to furnish the department of state for the United States, with a complete edition of the laws of this commonwealth; 9. An act to prevent the circulation of private notes; 10. An act to amend the act entitled an act to provide for the further publication of the decisions of the court of appeals; 11. An act to amend the law concerning the sales of non-residents' lands for taxes; 12. An act for the benefit of poor widows; 13. An act appointing persons to view a way for a road from Danville to the Tennessee line; 14. An act for the benefit of the heirs of Johnson Ellis; 15. An act for the benefit of the sheriff of Henry county; 16. An act to authorise the publication of certain advertisements in the Christian Advocate, printed in Bowling Green; and 17. An act for the benefit of William W. and George W. Whitaker.

Were severally read the first time; the 1st, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 16th and 17th were severally ordered to be read a second time; the 15th was laid on the table; and the question being taken on reading the second bill a second time, it was decided in the negative, and so the said bill was rejected.

Ordered, That mr. — inform the senate thereof.

And thereupon the rule of the house, constitutional provision and second reading of the 1st, 3d, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 16th and 17th bills being dispensed with, the 1st, 3d, 6th, 7th, 8th, 9th, 10th, 12th, 13th, 14th, 16th and 17th, (the 1st, 7th, 12th, 13th and 16th having been amended at the clerk's table,) were severally ordered to be read a third time; the 5th was committed to a select committee of messrs. T. P. Moore, M'Asce, Henderson and Lee; the 11th to a select committee of messrs. Wickliffe,

Garrard, Logan, Lancaster, Green, Hickman, Grundy and Allen.

And thereupon the rule of the house, constitutional provision and third reading of the 3d, 6th, 7th, 8th, 9th, 10th, 12th, 13th, 14th, 16th and 17th bills being dispensed with :

Resolved, That the said bills do pass, the 7th, 12th, 13th and 16th as amended.

Ordered, That the clerk inform the senate thereof, and request their concurrence in the amendments proposed to the 7th, 12th, 13th and 16th bills.

Ordered, That a resolution from the senate to amend the joint rules, be laid on the table.

And then the house adjourned.

TUESDAY, DECEMBER 19, 1820.

Mr. Howard from the select committee appointed for that purpose, reported a bill to amend the law subjecting billiard tables to taxation.

Which was received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second reading of said bill being dispensed with, and the same being amended :

It was then moved and seconded to postpone the further consideration of said bill until the first day of February next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Howard and Cassidy, were as follows, viz.

Yeas—Messrs. Berry, Butler, Crow, Cunningham, Garrard, Grundy, Hunter, Lancaster, Love, Lynch, H. W. Moore, T. P. Moore, M'Affee, M'Elroy, Noland, Parker, Patton, Payne, Philips, Prewitt, Sandford, Shannon, Sharp, Stevenson, Todd, Wakefield, Wickliffe, Wilcoxson and Winlock—29.

Nays—Mr. Speaker, messrs. Allen, Anderson, Barnett, Bedinger, Blakey, Boyd, Bray, Caldwell, Cassidy, J. Clark, S. D. Clark, Cockerill, Cooper, Craig, Emerson, Ferguson, Fletcher, Gaines, Gerard, Geohegan, Gordon, Green, Hall, Harris, Henderson, Hickman, Howard, King, Lacey, Lee, Logan, Mosley, Mullens, Munford, M'Millan, J. Patterson, W. Patterson, Piercy, N. P. Porter, O. C. Porter, Roberts,

Rudd, Ruffin, Scott, Selby, Shacklett, Spillman, Stone, Taylor, Townsend, Warfield, Williams and Woods—54.

The said bill was then committed to a select committee of messrs. Cockerill, Hall, Clark, Stevenson and Roberts.

A message from the senate by Mr. Crutcher :

Mr. Speaker,

The senate concur in the amendments proposed by this house to bills from that of the following titles :

An act for the benefit of poor widows ; an act authorising the trustees of the Hardin academy to sell their donation lands ; an act appointing persons to view a way for a road from Danville to the Tennessee line ; and an act to authorise the publication of advertisements in the Christian Advocate, printed in Bowling-Green.

And then he withdrew.

Mr. Wickliffe moved the following preamble and resolution, viz.

THE constitutions of the state of Kentucky and of the United States are regarded by this house as the just rules by which both branches of this Legislature are governed, and not the rules of either house, which may have been adopted contrary to the provisions thereof.

By the 1st article of the constitution of Kentucky, it is declared, that the powers of the government of the state of Kentucky shall be divided into three distinct departments, and each of them shall be confided to a separate body of magistracy, viz : Legislative, Executive, and Judiciary ; that no person or set of persons, being of one of those departments, shall exercise any power, properly belonging to either of the others, except in the instances in the said constitution expressly directed or permitted.

The 2d article of said constitution provides for and creates the Legislative department, and declares that the same shall be vested in two distinct branches, the house of Representatives and the Senate, and prescribes the qualifications of the members of each. By the 19th section of said article, it is declared, that each [branch] of the General Assembly shall judge of the qualifications, elections, and returns of its own members. The 20th section vests each branch of the Legislature with power to determine the rules of its proceedings, punish a member for disorderly behaviour, and with the concurrence of two thirds, expel a member.

In no part of this article do we find the Lieutenant Governor recognized as a member of the Senate, or belonging to the Legislative department. In that department of magistracy

denominated the Executive, we find the office, power and privileges of the Lieutenant Governor defined. How far and on what occasions that officer can exercise any of the powers properly belonging to the Legislative department, will be found in the 17th section of the 3d article : " he shall, by virtue of his office, be speaker of the Senate, have a right, *when in committee of the whole*, to debate and vote on all subjects. and when the *Senate* are equally *divided*, to give the casting vote. As the Lieut. Governor is an officer in the Executive department by the 2d section of the first article, he cannot exercise any power properly belonging and confided to the Legislative department, except in instances *expressly* directed or permitted.

A question of vital importance to the rights of the people and to their representatives in this Legislature, arises from the fact, that the present Lieut. Governor has exercised, and claims the right to vote in all elections of officers of government by joint vote of both branches of the Legislature. While this house regards this as an assumption of power not warranted by the constitution, they do not ascribe to the Lieutenant Governor or the honorable body over which he presides, intentional error. This house of Representatives cannot recognize the right claimed as constitutional, or the reasons upon which the power is asserted, as correct.

It is contended, that he is a member of the Senate and a component part of the Legislature ; that the constitution of the U. S. declares that two Senators shall be chosen from each state by the Legislatures thereof ; that the cases where-in he is *expressly* authorized to vote relate *exclusively* to voting upon the progress and passage of bills and resolutions in the ordinary course of legislation. He cannot be recognized by this house as a member of the Senate, nor does he possess, as the Speaker of that house, any powers to vote or debate in any case except in the instances specifically defined.

By the 29th section of the 2d article before recited, it is declared, that each house of the General Assembly shall judge of the qualifications, elections, and returns of its own members. It is clear that the Senate possess no power, as such, to judge of the qualifications, election and return of the Lieutenant Governor, nor can they expel him from office except upon impeachment ; his election is to be judged of, when contested, by a joint committee of both houses.

The constitution no where regards the Lieutenant Governor as a member of the Senate. He is by virtue of his office,

speaker of the Senate, and his powers as such are defined.— As a component part of that body, he cannot exercise any Legislative powers but such as are derivative, and the constitution of the state is the source from which such derivation of power is made, and not the rules of the Senate. No implied powers belong to the Lieut. Governor. When he acts in conjunction with the Legislative power of the state, he acts *only* in cases and for purposes, (in the language of the constitution) wherein he is *expressly* directed or *permitted*. He is expressly permitted to debate and vote on all subjects in committee of the whole, and when the *Senate* are equally divided to give the casting vote. As elections by joint vote are not had and made in committee of the whole, and as the Lieut. Governor, viz. the Speaker, cannot on such occasions declare an equal division of the senate:

Resolved, therefore, as the opinion of the House of Representatives of the state of Kentucky, that the Lieutenant Governor has no right to vote in the elections of officers of government by joint vote of the Legislature.

Which being twice read, was laid on the table until Thursday next.

Ordered, That the public printers forthwith print 150 copies thereof for the use of the members of this house.

Mr. T. P. Moore from the select committee to whom was referred a bill from the senate entitled an act to amend the act appropriating fines and forfeitures for the purposes of promoting education, reported the same with sundry amendments:

Which being severally twice read, were concurred in.

Ordered, That the said bill as amended, be read a third time.

And thereupon the rule of the house being dispensed with, the said bill was read a third time.

Resolved, That the said bill as amended, do pass.

Ordered, That Mr. T. P. Moore inform the senate thereof, and request their concurrence in the said amendments.

A message from the senate by Mr. Given:

Mr. Speaker,

The senate have passed a bill entitled an act to extend the terms of the Caldwell circuit court, and to alter the time of holding certain other circuit courts; in which bill they request the concurrence of this house.

And then he withdrew.

On the motion of Mr. Rife,

Ordered, That leave be given to bring in a bill for the benefit of Jonathan M'Connell; and that messrs. Rife, M'Kee and Noland, be appointed a committee to prepare and bring in the same.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. Rife—1. A bill for the benefit of Jonathan M'Connell.

And by Mr. King—2. A bill to alter and extend the time of holding the Cumberland circuit court.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second and third readings of said bills being dispensed with, (the same having been amended) and the same being engrossed.

Resolved, That the said bills do pass; that the title of the former be "an act for the benefit of Jonathan M'Connell and John M'Kinney;" and that of the latter be amended by adding thereto the words "and for other purposes."

Ordered, That Mr. Rife carry the former, and Mr. King the latter bills to the senate, and request their concurrence.

Mr. Cassidy read and laid on the table the following resolution:

Resolved by the Senate and House of Representatives, That when they adjourn on the _____ day of January next. they will adjourn until the _____ day of January next.

A message from the governor by Mr. Anderson:

Mr. Speaker,

The governor did on this day approve and sign enrolled bills which originated in this house of the following titles:

An act for the relief of the heirs of William Long, deceased.

An act to authorise the printing and publishing the map of the land west of the Tennessee river.

An act to establish the Lindley academy in Henry county, and incorporate trustees to that institution.

An act for the divorce of Betsey Craig, Polly Stewart and Martha Dunlavy.

And then he withdrew.

Ordered, That Mr. Lancaster inform the senate thereof.

A bill from the senate entitled an act providing for the repairing and improvement of the penitentiary,

Was read a third time as amended, and an engrossed clause added thereto by way of rider.

Resolved, That the said bill as amended, do pass.

Ordered, That Mr. M'Kee inform the senate thereof, and request their concurrence in the said amendments.

The yeas and nays being required on the passage thereof by messrs. Caldwell, and M'Millan, were as follows, viz.

Yeas—Messrs. Anderson, Barnett, Blakey, Boyd, Butler, Calhoun, S. D. Clark, Cooper, Crow, Cunningham, Emerson, Garrard, Geohegan, Gordon, Green, Grundy, Hall, Hickman, Hunter, Lacey, Lancaster, Logan, Love, T. P. Moore, Murray, M'Elroy, M'Kee, M'Millan, Noland, J. Patterson, Patton, O. C. Porter, Prewitt, Scott, Shacklett, Sharp, Spillman, Stevenson, Stone, Taylor, Townsend, Wakefield, Warfield, Watkins, Wickliffe, Wilcoxson and Woods—47.

Nays—Mr. Speaker, messrs. Allen, Bedinger, Berry, Bray, Brents, Caldwell, Cassidy, J. Clark, Cockerill, Craig, Cravens, Ferguson, Gaines, Gerard, Henderson, King, Lee, Lynch, Lyne, H. W. Moore, Mullens, Munford, M'Attee, Parker, W. Patterson, Piercy, Philips, N. P. Porter, Rife, Roberts, Sandford, Selby, Shannon, Todd, Williams and Winlock—37.

Bills from the senate of the following titles :

1. An act establishing a state lunatic hospital ; 2. An act more effectually to prevent masters or owners of slaves from suffering them to hire themselves ; and 3. An act to extend the prison bounds.

Which bills were read the first time, and the first and second ordered to be read a second time.

It was then moved and seconded to postpone the consideration of the third bill until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Moseley and Wilcoxson, were as follows, viz.

Yeas—Messrs. Allen, Anderson, Barnett, Berry, Blakey, Boyd, Bray, Caldwell, S. D. Clark, Cooper, Cunningham, Emerson, Garrard, Geohegan, Gordon, Green, Grundy, Hickman, Howard, King, Lacey, Lancaster, Logan, Love, Lynch, Lyne, Munford, M'Kee, Noland, Payne, Philips, O. C. Porter, Rudd, Shacklett, Sharp, Spillman, Stone,

Taylor, Townsend, Wakefield, Warfield, Watkins, Wickliffe, Williams and Woods—45.

Nays—Mr. Speaker, messrs. Bedinger, Brents, Butler, Cassidy, J. Clark, Cockerill, Craig, Cravens, Crow, Farrow, Ferguson, Fletcher, Gaines, Gerard, Hall, Harris, Hughes, Hunter, Lee, H. W. Moore, T. P. Moore, Mosley, Mullens, Murray, M'Affee, M'Elroy, M'Millan, O'Bannon, Parker, J. Patterson, Patton, N. P. Porter, Prewitt, Rife, Roberts, Ruffin, Sandford, Scott, Selby, Shannon, Stevenson, Todd, and Wilcoxson—44.

Mr. Payne from the joint committee appointed to examine the Bank of Kentucky, made the following report, viz.

The joint committee appointed to examine the situation of the Bank of Kentucky and its branches, respectfully submit the following Report:—The annexed abstract report marked A. made out at the parent Bank from the last quarterly returns from the branches, shews the situation of the institution on the 30th day of September last, and that the aggregate of its capital stock is \$2,732,620. whereof \$596,700 is owned by the state, and \$2,135,920 by individuals. The notes in circulation, \$1,251,116 95. The cash on hand, \$440,674 49, whereof \$251,837 41 is specie. The debts due the institution, \$1,523,772 67. The deposits of every description in the said bank and its branches, \$923,060 02. Reserved profits, \$75,168 77. Running profits, or such as have arisen since the last half yearly dividends were declared, and up to the date aforesaid, \$48,352 48. The value of the real estate of the corporation, \$65,811 06. Your committee have ascertained at the bank, that the cash on hand other than specie, is composed of the notes of the bank and its branches to the amount of \$165,514 75; of Independent banks of this state, \$8,599 77; of Eastern banks, \$3,018 29; of Tennessee and Indiana banks, \$10,300; of Southern banks, \$84; of Western banks, \$207; of Ohio banks, \$1,070; of the United States' bank, \$10. That the debts due the United States' Treasury for deposits in the Louisville branch is \$60,000. The debt due by the corporation to the United States' branch at Lexington, \$27,000; and the debt due the Treasury of this Commonwealth, \$70,300, which said items are included in the said abstract report under the head of Deposits. Your committee have required of the officers of the bank, a statement of the amount of their debts which are se-

secured by pledges of stock, and are informed that \$112,260 of the debt due at the parent bank, is thus secured; and that no rule of the bank having heretofore required a report from the branches upon that point, their quarterly returns do not furnish the information required.

Your committee have turned their attention to the state of the security of the debts due the corporation, and have required of the board of the parent bank to give the best information thereon within their means of judging, and have received from the board in substance, the following reply, to-wit: "Upon a careful examination of the pay lists of the mother bank, by the board of directors, that their opinion is, that \$28,970 of the whole amount of debts due the mother bank, will probably be lost; and the recovery of \$27,160 may be considered doubtful; with respect to the probable loss that may be sustained in the debts contracted with the branches, the board can give no information; none has been required or received from them since the last session of the Assembly; all the information then received was laid before the joint committee; at the time very little of it was in writing." Your committee have required information from the board as to the state of the new debts due the institution, or such as have been created within the present year. Their amount will appear by comparison of the amount of bills in circulation on the 30th September last, with their amount reported to the last session of the Legislature, the former being \$1,251,116 95, and the latter \$668,422 55; leaving a difference of \$582,694 40: which sum is the additional amount of the bills thrown into circulation during the present year. Your committee are satisfied that the said new debts have been created upon good security, and the loans made upon the principle of diffusing the accommodations as generally as practicable. A copy of the rule made by the directory of the mother bank in January last, governing the additional emission of bills, is herewith reported, marked B, by which it will appear, that no loans were to be thereafter made to any individual or co-partnership, by said corporation, which with the debts then due by such individual or co-partnership, to the bank or any of its branches, should exceed the sum of \$5000, unless upon a pledge of stock; and that no loan should be made upon a pledge of stock of said bank, at a rate exceeding \$90 per share. Your committee have required to be informed by the officers of the parent bank, as to what probable reduction of the value of the stock would be sustained by the sharehol-

ders occasioned by bad debts, in the event of settling up and closing the affairs of the institution ; and from the best information obtained from that source, they are of opinion that the loss in such case, would be less than five per cent. upon each share. And your committee are of opinion, that the bills of the bank and its branches are, and will continue to be a sound and wholesome circulating medium, adapted to the condition and exigencies of the country ; and that they will command the property and labour of the country, at lower rates than usual heretofore ; and that a diminution of their value is not to be expected. The ability of the corporation to redeem them in collection of their debts is evident, as the bills in circulation amount to little more than one fourth of the amount of debts due the institution.

From the Senate,

HERMAN BOWMAR,
RICH'D. SOUTHGATE,
JAS. CRUTCHER.

From the House of Representatives, HENRY PAYNE,

JOHN GREEN,
TH. FLETCHER,
DAVID R. MURRAY,
JOHN CALHOUN,
SAMUEL BRENTS,
JAMES CLARK.

December 15th, 1820.

(A.)														
Names of Banks.		Stock.	Notes in cir- culation.		Cash on hand includ'g specie		Debts due to the Banks.		Deposits.		Specie.			
Bank of Kent.		642,220	313,430	81	30,415	03	1,220,617	04	238,270	03	24,938	23		
Bardstown B. B.		120,000	68,275	25	29,548	84	200,041	85	59,787	44	18,508	57		
Danville, do		150,000	76,003	30	36,927	—	217,882	86	26,569	54	27,377	—		
Glasgow, do		100,000	103,861	—	15,525	33	202,587	28	11,612	31	11,375	33		
Hopkinsville, do		120,000	127,110	75	31,444	13	235,462	62	17,261	38	25,746	13		
Lexington, do		275,400	44,850	—	74,578	85	388,447	28	142,120	28	15,074	22		
Louisville, do		325,000	44,603	75	86,825	82	460,179	94	178,502	01	34,575	07		
Paris, do		160,000	35,555	25	22,550	24	213,620	57	45,053	42	17,167	83		
Richmond, do		120,000	50,305	—	27,130	—	181,133	46	35,676	35	16,830	—		
Russellville, do		140,000	151,035	09	29,202	60	299,840	70	33,943	02	27,831	38		
Shelbyville, do		110,000	51,638	—	11,279	39	172,083	81	26,984	95	6,036	39		
Springfield, do		100,000	84,138	—	18,482	21	175,019	44	7,558	09	14,209	21		
Washington, do		250,000	58,463	—	15,732	08	351,109	80	62,307	35	9,323	83		
Winchester, do		120,000	41,797	75	11,032	97	205,746	02	57,413	85	2,829	22		
		2,732,620	2,251,116	95	440,674	40	1,523,772	67	92,060	00	251,827	41		
Stock State,		596,700			2,732,620		—				440,674		49	
Individual,		2,135,920			1,251,116		95				4,523,772		67	
Notes in circu.		—			923,060		62		Cash on hand,		4,964,447		13	
Deposits,		—			4,906,796		6		Due to Bank,		65,811		06	
Runn'g profits		48,352	48			123,471	25			Real Estate,		5,030,258		22
Reserved, do.		75,108	77			—			Cr.					
						Dr.	5,030,258	22						

(B.)

At a meeting of the Board of Directors for the Bank of Kentucky on the 24th of January, 1820.

Resolved, That the Bank of Kentucky will at this board and its different offices, issue upon satisfactory security, a sum not exceeding one million of dollars of notes.

Resolved, That the sum to be emitted at the respective offices, will be regulated by this Board, by reference to the capital.

Resolved, That no loan shall be hereafter made to any individual or co-partnership, which with the debts now due by such individual or co-partnership to this bank, or any of its branches, shall exceed the sum of five thousand dollars, unless on a pledge of stock.

Resolved, That no loan be made by any branch on a pledge of stock of this bank, at a rate exceeding 90 dollars per share.

The above is a true extract from the Record book of the Bank of Kentucky.

H. BLANTON, CLK.

December 18th, 1820.

Ordered, That the public printers forthwith print 500 copies of said report and documents, for the use of the members of this house.

The house took up the resolution for the adjournment of the general assembly, laid on the table on yesterday, which being twice read was concurred in.

The yeas and nays being required thereon by messrs. Lancaster and Cassidy, were as follows, viz.

Yeas—Messrs. Anderson, Barnett, Bedinger, Berry, Blakey, Bray, Caldwell, Calhoun, Cassidy, S. D. Clark, Cockerill, Cooper, Crow, Cunningham, Farrow, Garrard, Gehegan, Green, Grundy, Harris, Hickman, Howard, Hunter, King, Lacey, Lancaster, Logan, Love, Lynch, Lyne, H. W. Moore, M'Elroy, M'Kee, Noland, O'Bannon, Parker, W. Patterson, Payne, Piercy, Philips, O. C. Porter, Roberts, Rudd, Sandford, Sharp, Spillman, Stone, Townsend, Wakefield, Warfield, Wickliffe, Williams and Woods—53.

Nays—Messrs. Allen, Boyd, Brents, Butler, J. Clark, Craig, Cravens, Emerson, Ferguson, Fletcher, Gaines, Gerard, Gordon, Hall, Henderson, Hughes, Lee, T. P. Moore, Moseley, Mullens, Munford, Murray, M'Asce, M'Millan, J. Patterson, Patton, N. P. Porter, Prewitt, Rife, Ruffin, Scott, Selby, Shacklett, Shannon, Taylor, Watkins and Wilcoxson—37.

Ordered, That Mr. S. D. Clark carry the said resolution to the senate and request their concurrence.

A bill to amend an act entitled an act to regulate sales under execution, approved February 11, 1820,

Was read a second time.

The reading of the second section was then called for, which was read as follows, viz.

§ 2. *Be it further enacted*, That when any execution may issue as aforesaid without an endorsement, shewing the consent of the plaintiff or plaintiffs, to take such bank notes as described in the first section of this act, and the said execution shall be levied on the estate or person of any such defendant or defendants, he, she or they may give bond with approved security to the officer executing the same, to pay the amount of debt, interest and costs of any such execution, to the plaintiff or plaintiffs in _____ and the officers of justice shall be regulated in taking the said bond and renewing execution thereon, as they are now directed by law in case of replevin bonds for three months.

It was then moved and seconded to fill the blank in said section with "five years."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Caldwell and Rife, were as follows, viz.

Yeas—Messrs. Allen, Blakey, Boyd, Cassidy, Fletcher, Gerard, Hughes, H. W. Moore, Moseley, Mullens, W. Patterson, N. P. Porter, Rife, Scott, Shannon and Wilcoxson—16.

Nays—Messrs. Anderson, Barnett, Bedinger, Berry, Bray, Brents, Caldwell, J. Clark, S. D. Clark, Cockerill, Cooper, Craig, Crow, Cunningham, Emerson, Farrow, Garrard, Geohegan, Gordon, Green, Grundy, Hall, Harris, Henderson, Hickman, Howard, Hunter, King, Lacey, Lancaster, Lee, Logan, Love, Lynch, Lyne, T. P. Moore, Munsford, Murray, M'Affee, M'Elroy, M'Kee, M'Millan, Noland, Parker, J. Patterson, Patton, Piercy, Philips, O. C. Porter, Prewitt, Roberts, Rudd, Ruffin, Sandford, Shacklett, Sharp, Slaughter, Spillman, Stevenson, Stone, Taylor, Townsend, Wakefield, Warfield, Watkins, Wickliffe, Williams and Woods—68.

It was then moved and seconded to fill the said blank with "three years."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. M'Millan and Townsend, were as follows, viz.

Yeas—Messrs. Allen, Blakey, Boyd, Brents, Cassidy, J. Clark, Cockerill, Fletcher, Gerard, Hall, Harris, Henderson, Hughes, Lee, H. W. Moore, Moseley, Mullens, Munford, M'Affee, W. Patterson, Patton, N. P. Porter, O. C. Porter, Rife, Scott, Shannon, Slaughter, Taylor, Watkins and Wilcoxson—50.

Nays—Messrs. Anderson, Barnett, Bedinger, Berry, Bray, Caldwell, S. D. Clark, Cooper, Craig, Crow, Cunningham, Emerson, Farrow, Garrard, Geohegan, Gordon, Green, Grundy, Hickman, Howard, Hunter, King, Lacey, Lancaster, Logan, Love, Lynch, Lyne, T. P. Moore, Murray, M'Elroy, M'Kee, M'Millan, Noland, Parker, J. Patterson, Piercy, Phillips, Prewitt, Roberts, Rudd, Ruffin, Sandford, Selby, Shacklett, Sharp, Spillman, Stevenson, Stone, Townsend, Wakefield, Warfield, Wickliffe, Williams and Woods—55.

It was then moved and seconded to fill the said blank with “two years.”

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Lancaster and Bedinger, were as follows, viz.

Yeas—Messrs. Anderson, Berry, Blakey, Brents, Cassidy, J. Clark, Cockerill, Cooper, Craig, Emerson, Farrow, Fletcher, Gerard, Gordon, Hall, Harris, Henderson, Hughes, Lee, Logan, Lyne, H. W. Moore, T. P. Moore, Moseley, Mullens, Munford, M'Affee, M'Elroy, J. Patterson, W. Patterson, Patton, N. P. Porter, O. C. Porter, Prewitt, Rife, Roberts, Rudd, Ruffin, Sandford, Scott, Selby, Shacklett, Shannon, Sharp, Slaughter, Taylor, Warfield and Watkins—48.

Nays—Messrs. Allen, Barnett, Bedinger, Boyd, Bray, Caldwell, S. D. Clark, Crow, Cunningham, Ferguson, Garrard, Geohegan, Green, Grundy, Hickman, Howard, Hunter, King, Lacey, Lancaster, Love, Lynch, Murray, M'Kee, M'Millan, Noland, Parker, Piercy, Phillips, Spillman, Stevenson, Stone, Townsend, Wakefield, Wickliffe, Wilcoxson, Williams and Woods—38.

The reading of the third section was then called for, and the same was read as follows, to wit :

§ 3. *Be it further enacted*, That all original executions issued and endorsed by the plaintiff or plaintiffs, as in this act allowed, shall be replevied for three months as heretofore;

and executions on replevin bonds, or on which replevin is not allowed, *so endorsed*, shall be collected as if this act had not passed, unless otherwise directed during the present session of the legislature.

It was then moved and seconded to expunge therefrom the words "*so endorsed*."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Green and Lancaster, were as follows, viz.

Yeas—Messrs. Barnett, Bedinger, Boyd, Bray, Caldwell, S. D. Clark, Ferguson, Garrard, Green, Grundy, Hickman, Howard, Hunter, Lacey, Lancaster, Murray, M'Kee, M'Millan, Noland, J. Patterson, Piercy, Philips, Spillman, Stone, Townsend, Wakefield, Wickliffe, Williams and Woods—29.

Nays—Messrs. Allen, Anderson, Berry, Blakey, Brents, Cassidy, J. Clark, Cockerill, Cooper, Craig, Cunningham, Emerson, Farrow, Fletcher, Gerard, Geohegan, Gordon, Hall, Harris, Henderson, Hughes, King, Lee, Logan, Lynch, H. W. Moore, T. P. Moore, Moseley, Mullens, Munford, M'Affee, W. Patterson, Patton, N. P. Porter, O. C. Porter, Prewitt, Rife, Roberts, Rudd, Ruslin, Sandford, Scott, Selby, Shacklett, Shannon, Sharp, Slaughter, Taylor and Warfield—49.

It was then moved and seconded to amend the said bill by attaching thereto the following section, viz.

Be it further enacted, That the provisions of this act shall not extend to any execution or decree obtained on any original contract, undertaking or agreement made or entered into after the first day of August next, or to any judgment for debt or damages where the act creating the cause of action, shall have been done or committed after the first day of August next; and all laws authorising a replevy or delay of a longer time than three months, shall be, and the same are hereby repealed so far as respects all executions issued on judgments had on all original contracts made after the 1st day of May next, as well as on all executions or judgments where the cause of action accrued from acts done or committed after the first day of August next: *Provided however*, that this section shall not have any operation upon any note given or executed to any banking corporation for a debt created before the first day of August next, and which may be renewed by a new obligation after that day.

And the question being taken thereon it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Lancaster and M'Millan, were as follows, viz.

Yeas—Messrs. Barnett, Bedinger, Berry, Boyd, Bray, Caldwell, S. D. Clark, Cockerill, Cooper, Craig, Emerson, Farrow, Ferguson, Garrard, Green, Grundy, Harris, Hickman, Howard, Hunter, King, Lacey, Lancaster, Logan, T. P. Moore, Murray, M'Elroy, M'Kee, M'Millan, Noland, J. Patterson, Piercy, Philips, N. P. Porter, O. C. Porter, Prewitt, Rudd, Ruffin, Sandford, Scott, Spillman, Stone, Townsend, Wakefield, Wickliffe, Wilcoxson, Williams and Woods—48.

Nays—Messrs. Allen, Anderson, Blakey, Brents, Cassidy, J. Clark, Cunningham, Fletcher, Gerard, Geohegan, Gordon, Hall, Henderson, Hughes, Lee, Lynch, H. W. Moore, Moseley, Munford, M'Affee, W. Patterson, Patton, Rife, Roberts, Selby, Shacklett, Shannon, Sharp, Slaughter, Taylor and Warfield—31.

Mr. King from the majority by which the foregoing amendment was adopted, moved for a reconsideration of said vote.

And the question being taken thereon, it was decided in the affirmative.

The said amendment was then withdrawn by the mover, and the bill as amended, ordered to be engrossed and read a third time to-morrow.

And then the house adjourned.

WEDNESDAY, DECEMBER 20, 1820.

Mr. M'Affee from the select committee appointed for that purpose, reported a bill for the appropriation of money.

Which was received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision, and second reading of the said bill being dispensed with, the same was committed to the committee of claims.

Mr. Wickliffe from the select committee to whom was referred a bill from the senate entitled an act to amend the law concerning the sales of non-residents' lands for taxes, reported the same with amendments :

Which being twice read, were concurred in.

Ordered, That the said bill as amended, be read a third time.

And thereupon the rule of the house, constitutional provision and third reading of said bill as amended, being dispensed with :

Resolved, That the said bill do pass, as amended.

Ordered, That Mr. Wickliffe inform the senate thereof, and request their concurrence in the said amendments.

It was then moved and seconded that this house do now take up a bill providing for the payment of debts by instalments, and the amendment reported thereto, and proceed to the consideration of said bill.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Allen and Hendeson, were as follows, viz.

Yeas—Mr. Speaker, messrs. Allen, Bedinger, Boyd, Brents, Calhoun, Cassidy, Chisholm, J. Clark, Craig, Cravens, Farrow, French, Gaines, Gerard, Hall, Harris, Henderson, Hughes, King, Lee, Lyne, Miller, H. W. Moore, T. P. Moore, Moseley, Mullens, Munford, M'Affee, M'Kee, M'Milian, O'Bannon, W. Patterson, Patton, N. P. Porter, Rife, Roberts, Sandford, Scott, Selby, Shacklett, Taylor, Todd, Townsend, Wilcoxson and Winlock—46.

Nays—Messrs. Anderson, Barnett, Berry, Blakey, Bray, Caldwell, S. D. Clark, Cockerill, Cooper, Crow, Cunningham, Emerson, Ferguson, Garrard, Gordon, Green, Lacey, Lancaster, Love, Lynch, Murray, M'Elroy, Noland, Parker, J. Patterson, Payne, Piercy, Philips, Prewitt, Rudd, Sharp, Spillman, Stevenson, Stone, Wakefield, Warfield, Watkins, Williams and Woods—39.

The amendment proposed as a substitute for said bill, was then amended to read as follows, viz.

After the enacting clause, insert the following: That all the laws now in force in this commonwealth, providing for the collection of debts, be, and the same are hereby suspended for and during the term of _____ commencing on the _____ day of _____ in the year _____ and ending on the _____ day of _____ in the year _____: *Provided however*, that nothing in this act contained shall be so construed as to prevent any person or persons, from suing and recovering judgments or decrees on contracts and other demands not heretofore prosecuted to judgment or decree: *And provided further*, that nothing herein contained shall be so construed as to prevent any person or persons from taking and prosecuting appeals or writs of error to the court of appeals, or to the circuit or county courts, on judgments or decrees heretofore rendered, or hereafter to be rendered, or from obtaining or prosecuting judgments and writs of execution, according to the existing laws.

§ 2. *Be it further enacted,* That whenever any replevin bond for one year, or bond on a sale of property, or other bond having the force of a judgment, taken under the laws now in force, or bond for the payment of the valuation of improvements or of lands, under the occupying claimant laws shall become due, the obligee or obligees therein, may at his, her or their election, and during the term of suspension aforesaid, direct the clerk of the court or justice of the peace (as the case may be) with whom any of the said bonds are or may be lodged, to issue thereon an execution for the one third part of the amount of any of the said bonds, with an endorsement thereon to the effect following, viz: "The officers may receive in discharge of the execution, notes on the Bank of Kentucky or any of its branches, or notes on the Bank of the Commonwealth of Kentucky or any of its branches;" and the sheriff or other officer, shall, if the same be not otherwise paid off, proceed to collect the amount of said execution by distress and sale, and make return thereof to the proper office or justice of the peace, under the same regulations, responsibilities and remedies already prescribed by the existing laws, against sheriffs and other officers: And from and after months after any of the said bonds become due, it shall and may be lawful for the clerk or justice of the peace, at the like request and direction of the obligee or obligees therein, his, her or their agent or attorney, to issue another execution for one third part of the amount of any of the said bonds, which execution shall be proceeded on as before prescribed; and that from and after months after any of the said bonds become due, it shall and may be lawful for the clerk or justice of the peace, at the like request and direction of the obligee or obligees therein, his, her or their agent or attorney, to issue another execution thereon, for the remaining third part of the amount of any of the said bonds, which shall be proceeded on as before prescribed: *Provided however,* that the clerk or justice of the peace (as the case may be) shall tax and collect but one fee for issuing and recording the three instalment executions in this act specified.

§ 3. *Be it further enacted,* That upon all judgments and decrees now rendered, which may not have been replevied on the day of March in the year 1821, and upon all judgments and decrees which may thereafter be rendered, the plaintiff or plaintiffs, complainant or complainants therein, may, during the term of suspension aforesaid, but not before the day of in the year 1821, direct the clerk of the court or justice of the peace (as the case may

be) to issue an execution on said judgment or decree for the one third part of the amount thereof, and to enter an endorsement thereon to the effect following: "Notes on the Bank of Kentucky or any of its branches, or notes on the Bank of the Commonwealth of Kentucky or any of its branches may be received by the officer in discharge of this execution." And the sheriff or other officer shall, if the same be not otherwise satisfied, proceed to collect the amount of said execution by distress and sale, and make return thereof to the proper office or justice of the peace, under the same regulations, responsibilities and remedies already prescribed against sheriffs and other officers by the laws now in force; and from and after _____ months after the emanation of said execution, it shall and may be lawful for the clerk or justice of the peace, at the like request and direction of the plaintiff or plaintiffs, complainant or complainants, in said judgment or decree, to issue another execution thereon, for one third part thereof, which execution shall be proceeded on as before prescribed; and from and after _____ months after the emanation of the first execution on said judgment or decree, it shall and may be lawful for the clerk or justice of the peace, at the like request and direction of the plaintiff or plaintiffs, complainant or complainants in said judgment or decree, to issue thereon another execution for the remaining third part of said judgment or decree: *Provided*, that in all cases where a renewal of any of the instalment executions in this act specified, takes place, the clerk or justice, shall continue thereon in succession the bank note endorsement herein prescribed: *And provided further*, that the clerk or justice of the peace shall, upon every execution to be issued by them under this act, endorse that no security of any kind shall be taken.

§ 4. *Be it further enacted*, That whenever any principal debtor or debtors, falling within the provisions of this act, shall be about to remove out of the county in which he, she or they reside, privately, with his or their effects, it shall and may be lawful for the creditor or creditors, falling within the provisions of this act, and during the term of suspension aforesaid, to go before any justice of the peace of the county in which such debtor or debtors reside, or before the clerk of the circuit court of such county, and make oath or affirmation (as the case may be) "that he, she or they, have grounds to suspect, and verily believe, that his, her or their principal debtor or debtors, are removing out of the county, with his, her or their effects privately, and that he, she or

they, is or are, by reason of such removal, in danger of losing his, her or their just debt or debts.' Whereupon it shall be lawful for said clerk or justice of the peace, to issue a warrant of attachment against the slaves, goods and chattels of such principal debtor or debtors, first taking from such creditor or creditors, a bond with a penalty double the amount of the debt or debts, payable to such principal debtor or debtors with a condition therein of the kind now required by the existing laws; which warrant of attachment on being levied and returned to the circuit court ten days before the commencement of the term thereof, or before any justice of the peace of such county, shall be docketed and proceeded as heretofore, except that if a jury to be empannelled by order of said court for that purpose, shall find by their verdict that the plaintiff or plaintiffs, in said warrant of attachment had not sufficient grounds for suing out the same, the defendant or defendants therein, shall have a restoration of the property attached, and recover his, her or their costs; but if any such jury shall find that the plaintiff or plaintiffs, in such attachment had sufficient grounds for suing out such attachment, the court shall order the property so attached to be sold, and the clerk shall endorse on said order of sale, that no security of any kind shall be taken; and upon all attachments returned before any justice of the peace, the same proceedings shall be had as herein prescribed to the circuit courts.

§ 5. Nothing in this act contained shall be construed to extend to any execution or any judgment recovered against the sergeant of the court of appeals, any sheriff, coroner, constable, or any collector of revenue, county levy, town tax or officers' fees, for any money collected, or which ought to have been collected by him or them; nor to any execution on a judgment recovered against any attorney at law, for money received by him for his client, or recovered against a principal by his security, or by the principal sheriff against his deputy, or recovered against any public debtor.

And the question being taken on agreeing to the said amendment, it was decided in the negative.

The yeas and nays being required thereon by messrs. M'Millan and Lacey, were as follows, viz.

Yeas—Messrs. Bedinger, Berry, Blakey, Boyd, Butler, Cassidy, Craig, Farrow, Fletcher, French, Gaines, Gerard, Hall, Harris, King, Lancaster, Lee, Moseley, M'Elroy, M'Kee, M'Millan, J. Patterson, W. Patterson, O. C. Porter, Prewitt, Spillman, Todd and Townsend—28.

Nays—Mr. Speaker, messrs. Allen, Anderson, Barnett, Bray, Brents, Caldwell, Calhoun, Chisholm, J. Clark, S. D. Clark, Cockerill, Cooper, Cravens, Crow, Cunningham, Ferguson, Garrard, Geohegan, Gordon, Green, Grundy, Henderson, Hickman, Howard, Hughes, Hunter, Lacey, Logan, Love, Lynch, Miller, H. W. Moore, T. P. Moore, Mullens, Munford, Murray, M'Asce, Noland, Parker, Patton, Payne, Piercy, Phillips, N. P. Porter, Rife, Roberts, Sandford, Scott, Selby, Shacklett, Shannon, Sharp, Stevenson, Stone, Taylor, Warfield, Watkins, Wilcoxson, Williams and Woods—61.

The sixth section of the original bill was then read as follows, viz.

§ 6. *Provided always*, That nothing in this act contained shall be construed to extend to any execution or any judgment, recovered against the sergeant of the court of appeals, any sheriff, coroner, constable, or any collector of revenue, county levy, town tax or officers' fees, for any money collected, or which ought to have been collected by him or them, nor to any execution on a judgment recovered against an attorney at law for money received by him for his client, or recovered against a principal by his security, or by the principal sheriff against his deputy, or recovered against any public debtor.

It was then moved and seconded to attach to said section by way of amendment, the following words:

Add to section 6th, "or upon any execution issued on a bond given for the sale of estate, under execution, decree or order of sale; but the same shall be collected as though this act had not passed, and the laws now in force as to such cases, shall be continued in force."

And the question being taken thereon it was decided in the negative, the house being equally divided.

The yeas and nays being required thereon by messrs. Wickliffe and Lancaster, were as follows, viz.

Yeas—Messrs. Bedinger, Berry, Bray, Butler, Caldwell, S. D. Clark, Cooper, Craig, Crow, Cunningham, Emerson, Garrard, Geohegan, Gordon, Green, Grundy, Hickman, Howard, Hunter, King, Lacey, Lancaster, Miller, M'Elroy, M'Kee, M'Millan, Noland, Parker, W. Patterson, Payne, Piercy, Phillips, Prewitt, Sandford, Shacklett, Spillman, Stevenson, Stone, Taylor, Townsend, Wakefield, Warfield, Wickliffe, Williams and Woods—45.

Nays—Mr. Speaker, messrs. Allen, Anderson, Blakey, Boyd, Brents, Cassidy, Chisholm, J. Clark, Cockerill, Cra-

mens, Farrow, Fletcher, French, Gaines, Gerard, Hall, Harris, Henderson, Hughes, Lee, Logan, Love, Lynch, H. W. Moore, T. P. Moore, Moseley, Mullens, Munford, M'Afee, O'Bannon, J. Patterson, Patton, N. P. Porter, O. C. Porter, Rife, Roberts, Ruffin, Scott, Selby, Sharp, Todd, Watkins, Wilcoxson and Winlock—45.

Mr. Todd then moved to reconsider said vote :

And the question being taken thereon, it was decided in the affirmative.

The question was then again taken on agreeing to the said amendment, which was decided in the negative.

The yeas and nays being required thereon by messrs. Wickliffe and Lancaster, were as follows, viz.

Yeas—Messrs. Barnett, Bedinger, Berry, Bray, Butler, Caldwell, S. D. Clark, Cooper, Craig, Crow, Cunningham, Emerson, Garrard, Geohegan, Gordon, Green, Grundy, Hickman, Howard, Hunter, Lacey, Lancaster, Miller, Murray, M'Elroy, M'Kee, M'Millan, Noland, Parker, W. Patterson, Payne, Piercy, Philips, Prewitt, Sandford, Shacklett, Sharp, Spillman, Stevenson, Stone, Taylor, Townsend, Wakefield, Warfield, Wickliffe, Williams and Woods—47.

Nays—Mr. Speaker, messrs. Allen, Anderson, Blakey, Boyd, Brents, Calhoun, Cassidy, Chisholm, J. Clark, Cockerill, Cravens, Farrow, Ferguson, Fletcher, French, Gaines, Gerard, Hall, Harris, Henderson, Hughes, King, Lee, Logan, Love, Lynch, H. W. Moore, T. P. Moore, Moseley, Mullens, Munford, M'Afee, O'Bannon, J. Patterson, Patton, N. P. Porter, O. C. Porter, Rife, Roberts, Ruffin, Scott, Selby, Shannon, Slaughter, Todd, Watkins, Wilcoxson and Winlock—49.

Mr. Caldwell then moved further to amend said bill by adding thereto the following, as an additional section.

Be it further enacted, That in all cases coming within the provisions of this act, if any plaintiff or plaintiffs shall elect to take any estate, which his, her or their debtor or debtors may possess, having a legal title thereto, said plaintiff or plaintiffs, shall have a right, having given days' notice thereof, to go upon the premises of his, her or their debtor or debtors, and make a selection of any estate belonging to said debtor or debtors : *Provided*, that should the estate so selected, exceed the amount of the debt or demand, the surplus shall be paid to the debtor or debtors in cash, or such bank notes as may be made by law receivable on executions.

Be it further enacted, That in order to carry into effect the foregoing section, it shall be the duty of the county courts

at their first court after the passage of this act, or as soon thereafter as practicable, to appoint five suitable persons, who shall be housekeepers in their respective counties, any three of whom may act, who shall value the estate so selected, and the plaintiff or plaintiffs shall take the same at its valuation; and should the defendant or defendants, fail or refuse to surrender to the plaintiff the estate so selected by him or them, the commissioners shall certify the same to the clerk of the circuit or county court, or the magistrate, as the case may be, who shall thereupon issue an execution for the amount of the principal, interest and cost; which execution shall be levied by the sheriff or constable as in other cases, endorsing thereon "no security is to be taken:" *Provided however,* that the endorsement to take notes on the Bank of Kentucky or its branches, or on the Bank of the Commonwealth of Kentucky, shall be made before said execution shall issue.

And the question being taken on agreeing thereto, it was decided in the negative.

The yeas and nays being required thereon by messrs. Howard and Caldwell, were as follows, viz.

Yeas—Messrs. Barnett, Bedinger, Bray, Caldwell, Cooper, Garrard, Green, Hickman, Howard, Lacey, Lancaster, Logan, T. P. Moore, M'Elroy, M'Kee, Noland, O. C. Porter, Selby, Sharp, Spillman, Stevenson, Stone, Townsend, Wakefield, Wickliffe and Woods—26.

Nays—Mr. Speaker, messrs. Allen, Anderson, Berry, Blakey, Boyd, Brents, Butler, Cassidy, Chisholm, J. Clark, Cockerill, Craig, Crow, Cunningham, Emerson, Farrow, Ferguson, Fletcher, French, Gaines, Gerard, Geohegan, Gordon, Grundy, Hall, Harris, Henderson, Hughes, Hunter, King, Lee, Love, Lynch, Miller, H. W. Moore, Moseley, Mullens, Munford, Murray, M'Asce, M'Millan, Parker, J. Patterson, W. Patterson, Payne, Piercy, Phillips, N. P. Porter, Rife, Roberts, Sandford, Scott, Shacklett, Shannon, Slaughter, Taylor, Todd, Warfield, Watkins and Wilcoxson—61.

The question was then taken on engrossing the said bill as amended, and reading it a third time, which was decided in the affirmative.

The yeas and nays being required thereon by messrs. Henderson and Lee, were as follows, viz.

Yeas—Mr. Speaker, messrs. Allen, Bedinger, Blakey, Brents, Cassidy, Chisholm, J. Clark, Craig, Cravens, Farrow, Fletcher, French, Gaines, Gerard, Hall, Harris, Hen-

derson, Hughes, Hunter, King, Lee, Miller, H. W. Moore, T. P. Moore, Moseley, Mullens, Munford, O'Bannon, W. Patterson, Patton, N. P. Porter, O. C. Porter, Rife, Roberts, Sandford, Scott, Selby, Shacklett, Shannon, Slaughter, Stevenson, Taylor, Todd, Wilcoxson and Winlock—46.

Nays—Messrs. Anderson, Barnett, Berry, Butler, Caldwell, Cockerill, Cooper, Crow, Cunningham, Emerson, Ferguson, Garrard, Geohagan, Gordon, Green, Grundy, Hickman, Howard, Lacey, Lancaster, Logan, Love, Lynch, Murray, M'Affee, M'Elroy, M'Millan, Noland, Parker, J. Patterson, Payne, Piercy, Phillips, Sharp, Spillman, Stone, Townsend, Wakefield, Warfield, Watkins, Wickliffe, and Woods—42.

A message from the senate by Mr. Pope :

Mr. Speaker,

The senate have passed a bill entitled an act providing for an additional constable's district in Franklin county ; in which bill they request the concurrence of this house.

And then he withdrew.

On the motion of Mr. Wickliffe,

Ordered. That leave be given to bring in a bill to establish an election precinct in Nelson county ; whereupon Mr. Wickliffe presented a bill of the title aforesaid :

Which was received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second and third readings of said bill being dispensed with, and the same being engrossed :

Resolved. That the said bill do pass and that the title thereof be as aforesaid.

Ordered. That Mr. Wickliffe carry the said bill to the senate and request their concurrence.

A message from the governor by Mr. Anderson :

Mr. Speaker,

The governor did on this day approve and sign an enrolled bill which originated in this house entitled an act to amend an act entitled an act to amend an act concerning occupying claimants of land.

And then he withdrew.

Ordered. That Mr. Lancaster inform the senate thereof.

A message from the senate by Mr. Ward :

Mr. Speaker,

The senate concur in the amendment proposed by this house to the bill from the senate entitled an act for the benefit of the sheriffs of Greenup and Lewis counties, with an amend-

ment. And they have passed bills of the following titles : An act to lessen the county levy to be collected in Greenup county in 1821 ; and an act to annex South Frankfort to Frankfort ; in which amendment and bills, they request the concurrence of this house.

And then he withdrew.

A message from the senate by Mr. Barbee :

Mr. Speaker,

The senate have passed a bill which originated in this house entitled an act supplemental to an act to establish the Bank of the Commonwealth of Kentucky, with amendments ; in which amendments they request the concurrence of this house.

And then he withdrew.

An engrossed bill entitled an act to amend an act regulating sales under execution, approved February 11, 1820,

Was read a third time.

It was then moved and seconded to attach to said bill the following engrossed clause by way of ryder, viz.

Be it further enacted, That the provisions of this act shall not extend to any execution or decree rendered or obtained on any contract, note or writing obligatory for the direct payment of money, made and executed after the first day of August next ; and in all cases where suits at law or in chancery, may be prosecuted to judgment or decree on any note, bond or bill for the direct payment of money, where the note, bond or bill, was executed and made after the first day of August, 1821, it shall be the duty of the clerk or justice of the peace by whom the execution is issued on such judgment, to endorse thereon, that the contract on which the judgment was obtained, was a writing obligatory for the direct payment of money, executed after the first day of August, 1821, and such execution so endorsed, may be replevied for three months only, but shall not be liable to any further delay by force of any law now in force, or which may hereafter be enacted in relation to executions : *Provided however,* that nothing in this section shall be so construed as to extend to any note, bond or bill, made and executed to any bank or other corporation, but shall extend only to new and real transactions.

And the question being taken on adopting the said ryder, it was decided in the negative.

The yeas and nays being required thereon by messrs. McKee and Wickliffe, were as follows, viz.

Yeas—Messrs. Barnett, Bedinger, Berry, Boyd, Bray, Butler, Caldwell, Calhoun, S. D. Clark, Craig, Ferguson, French, Garrard, Green, Grundy, Hickman, Howard, Hun-

ter, Lacey, Lancaster, Logan, Love, Murray, M'Elroy, M'Kee, M'Millan, Noland, Parker, J. Patterson, Payne, Piercy, Philips, N. P. Porter, Prewitt, Sandford, Scott, Spillman, Stevenson, Stone, Townsend, Wakefield, Wickliffe and Woods—43.

Nays—Mr. Speaker, messrs. Allen, Anderson, Blakey, Brents, Cassidy, Chisholm, J. Clark, Cockerill, Cooper, Crow, Cunningham, Emerson, Farrow, Fletcher, Gaines, Gerard, Geohegan, Gordon, Hall, Harris, Henderson, Hughes, King, Lee, Lynch, H. W. Moore, T. P. Moore, Moseley, Mullens, Munford, M'Affee, O'Bannon, W. Patterson, Patton, O. C. Porter, Rife, Roberts, Rudd, Selby, Shacklett, Shannon, Sharp, Slaughter, Taylor, Todd, Warfield, Watkins, Wilcoxson, Williams and Winlock—51.

It was then moved and seconded to attach to the commencing clause in said bill, the following words: "*And continue in force until the first day of March, 1822.*"

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Green and Wickliffe, were as follows, viz.

Yeas—Messrs. Barnett, Bray, Caldwell, Calhoun, S. D. Clark, Cooper, Craig, Crow, Emerson, Ferguson, French, Garrard, Green, Grundy, Hickman, Howard, Hunter, Lacey, Lancaster, Logan, Love, Murray, M'Elroy, M'Millan, Noland, Parker, J. Patterson, Payne, Piercy, Philips, Sandford, Spillman, Stevenson, Stone, Todd, Townsend, Wakefield, Watkins, Wickliffe and Woods—40.

Nays—Messrs. Allen, Anderson, Bedinger, Berry, Blakey, Boyd, Brents, Butler, Cassidy, Chisholm, J. Clark, Cockerill, Cunningham, Farrow, Fletcher, Gaines, Geohegan, Gordon, Hall, Harris, Henderson, Hughes, King, Lee, Lynch, H. W. Moore, T. P. Moore, Moseley, Mullens, Munford, M'Affee, O'Bannon, W. Patterson, Patton, N. P. Porter, O. C. Porter, Prewitt, Rife, Roberts, Rudd, Scott, Selby, Shacklett, Shannon, Sharp, Slaughter, Taylor, Warfield, Wilcoxson, Williams and Winlock—51.

The question was then taken on the passage of said bill, which was decided in the affirmative.

The yeas and nays being required thereon by messrs. Rife and Cassidy, were as follows, viz.

Yeas—Mr. Speaker, messrs. Anderson, Berry, Blakey, Brents, Caldwell, Calhoun, Cassidy, Chisholm, J. Clark, Cockerill, Cooper, Craig, Crow, Cunningham, Emerson, Farrow, Fletcher, Gordon, Hall, Harris, Hughes, Hunter,

Lee, Logan, Lynch, H. W. Moore, T. P. Moore, Moseley, Mullens, Munford, Murray, M'Affee, O'Bannon, Parker, J. Patterson, W. Patterson, Patton, Prewitt, Rife, Roberts, Rudd, Scott, Shacklett, Shannon, Sharp, Slaughter, Taylor, Warfield, Watkins, Wilcoxson and Winlock—52.

Nays—Messrs. Allen, Barnett, Bedinger, Boyd, Bray, Butler, S. D. Clark, Ferguson, French, Gaines, Garrard, Gerard, Geobegan, Green, Grundy, Henderson, Hickman, Howard, King, Lacey, Lancaster, Love, M'Elroy, M'Millan, Noland, Payne, Piercy, Philips, N. P. Porter, O. C. Porter, Sandford, Selby, Spillman, Stevenson, Stone, Todd, Townsend, Wakefield, Wickliffe, Williams and Woods—41.

Ordered, That the title of the said bill be amended to read an act regulating the endorsements to be made on executions; and that Mr. M'Affee carry the said bill to the senate and request their concurrence.

And then the house adjourned.

THURSDAY, DECEMBER 21, 1820.

A message from the senate by Mr. Given :

Mr. Speaker,

The senate have passed a bill which originated in this house entitled an act for the divorce of sundry persons. And they have passed a bill entitled an act to establish election precincts in Livingston and Caldwell counties; in which bill they request the concurrence of this house.

And then he withdrew.

A message from the senate by Mr. Pope :

Mr. Speaker,

The senate concur in the amendments proposed by this house to bills from the senate of the following titles :

An act to amend the act concerning the sales of non-residents' lands for taxes; an act to amend the act appropriating fines and forfeitures for the purpose of promoting education. And they have passed a bill which originated in this house entitled an act for the benefit of the representatives of Samuel Beall, deceased.

And then he withdrew.

A message from the senate by Mr. Ewing :

Mr. Speaker,

The senate have passed a bill entitled an act to authorise the insertion of advertisements in the *Columbian*; in which bill they request the concurrence of this house.

And then he withdrew.

Mr. Lancaster from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles :

An act to prevent the circulation of private notes.

An act for the benefit of John A. Markley.

An act supplemental to an act forming the county of Perry.

An act for the benefit of poor widows.

An act for the benefit of Benjamin Bridges.

An act providing for the collection of the revenue of Harlan county for the year 1819.

An act for the benefit of the heirs of Johnson Ellis.

An act for transcribing certain surveys on treasury warrants in Green county.

An act authorising the trustees of Hardin and Jefferson academies to sell their donation lands, and for other purposes.

An act to authorise the secretary of state to furnish the department of state for the United States with a complete edition of the laws of this commonwealth.

An act appointing persons to view a way for a road from Danville to the Tennessee line.

An act to amend the act entitled an act to provide for the further publication of the decisions of the court of appeals.

An act concerning the publication of orders of court, and for other purposes.

And an act for the benefit of William W. and George W. Whitaker.

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

Ordered, That Mr. Lancaster inform the senate thereof.

A message from the senate by Mr. Ewing:

Mr. Speaker,

The senate disagree to the amendment proposed by this house to a bill from the senate entitled an act providing for the repairing and improvement of the penitentiary.

And then he withdrew.

A message from the senate by Mr. Owens :

Mr. Speaker,

The senate have passed bills which originated in this house entitled an act to alter and extend the time of holding the Cumberland circuit court, and for other purposes ; and an act for the benefit of Jonathan M'Connell and John M'Kinney.

And then he withdrew.

The house took up the amendments proposed by the senate to a bill from this house entitled an act supplemental to an act to establish the Bank of the Commonwealth of Kentucky. The first amendment proposed by the senate to said bill was then read as follows:

Strike out the first section of the bill after the enacting clause and insert in lieu thereof the following:

That a branch of the bank of the commonwealth of Ky. shall be, and is hereby established and located for the first judicial district, in the town of Flemingsburg; for the second, in the town of Falmouth; for the third, in the town of Lexington; for the fifth, in the town of Louisville; for the sixth, in the town of Hartford; for the seventh, in the town of Princeton; for the eighth, in the town of Greensburg; for the ninth, in the town of Harrodsburg; for the tenth, in the town of Winchester; for the eleventh, in the town of Mountsterling; and for the twelfth, in the town of Somerset; and each of said branches shall be styled the branch of the Bank of the Commonwealth of Kentucky at———(here add to the style of the branch, the name of the town in which the same may be located.)

It was then moved and seconded to strike out "Lexington" and insert "Georgetown," as the site of the branch bank for the third judicial district.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Prewitt and T. P. Moore, were as follows, viz.

Yeas—Messrs. Allen, Anderson, Blakey, S. D. Clark, Craig, Cunningham, Fletcher, Gaines, Gerard, Gordon, Lacey, Lancaster, Lynch, T. P. Moore, M'Affee, O'Bannon, J. Patterson, W. Patterson, Patton, O. C. Porter, Prewitt, Roberts, Sandford, Selby, Slaughter, Watkins and Wilcoxson—27.

Nays—Mr. Speaker, messrs. Barnett, Bedinger, Berry, Boyd, Bray, Brents, Butler, Caldwell, Calhoun, Cassidy, Chisholm, J. Clark, Cockerill, Cooper, Crow, Emerson, Farrow, Ferguson, French, Garrard, Geobegan, Green, Grundy, Hall, Harris, Hughes, Hunter, King, Lee, Logan, Love, Lyne, Miller, H. W. Moore, Moseley, Munford, Murray, M'Kee, M'Millan, Noland, Parker, Payne, Piercy, Phillips, N. P. Porter, Rudd, Shacklett, Shannon, Sharp, Spillman, Stevenson, Stone, Taylor, Todd, Townsend, Wakefield, Warfield, Wickliffe, Williams and Winlock—61.

It was then moved and seconded to strike out "Greensburg," and insert "Glasgow."

A division of the question being called for: The question was put on striking out, which was decided in the negative.

The yeas and nays being required thereon by messrs. Brents and Cockerill, were as follows, viz.

Yeas—Messrs. Barnett, Blakey, Caldwell, Calhoun, Cockerill, Cravens, French, Garrard, Gordon, Green, Hall, Hickman, Howard, Lacey, Logan, Love, Lynch, Lyne, H. W. Moore, M'Afee, O'Bannen, J. Patterson, W. Patterson, Philips, O. C. Porter, Prewitt, Scott, Selby, Spillman, Stevenson, Stone, Todd, Townsend, Warfield, Watkins, Winlock and Woods—37.

Nays—Mr. Speaker, messrs. Allen, Bedinger, Berry, Boyd, Bray, Brents, Butler, Cassidy, Chisholm, J. Clark, S. D. Clark, Cooper, Craig, Emerson, Farrow, Ferguson, Fletcher, Gaines, Gerard, Geohagan, Grundy, Harris, Hughes, Hunter, King, Lancaster, Lee, Miller, T. P. Moore, Moseley, Mullens, Mumford, Murray, M'Millan, Noland, Parker, Payne, Piercy, Rife, Roberts, Rudd, Sandford, Shacklett, Shannon, Sharp, Taylor, Wakefield, Wickliffe, Wilcoxson and Williams—51.

It was then moved and seconded to postpone the further consideration of said bill until the first Monday in August next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Sharp and Cockerill, were as follows, viz.

Yeas—Messrs. Anderson, Barnett, Blakey, Boyd, Bray, S. D. Clark, Cockerill, Green, Grundy, Hickman, Howard, Lacey, Lancaster, Logan, Love, Lynch, M'Kee, Noland, O'Bannon, Parker, J. Patterson, Payne, Piercy, Philips, Sandford, Spillman, Stone, Townsend, Wakefield, Warfield, Wickliffe, Winlock and Woods—33.

Nays—Mr. Speaker, messrs. Allen, Bedinger, Berry, Brents, Butler, Caldwell, Calhoun, Cassidy, Chisholm, J. Clark, Cooper, Craig, Crow, Cunningham, Emerson, Farrow, Ferguson, Fletcher, French, Gaines, Gerard, Geohagan, Gordon, Hall, Harris, Hughes, Hunter, King, Lee, Miller, H. W. Moore, T. P. Moore, Moseley, Mumford, Murray, M'Afee, M'Elroy, M'Millan, W. Patterson, N. P. Porter, O. C. Porter, Prewitt, Rife, Roberts, Rudd, Scott, Selby, Shacklett, Shannon, Sharp, Slaughter, Stevenson, Taylor, Todd, Watkins, Wilcoxson and Williams—57.

The amendments proposed by the senate to the said bill, were then concurred in.

Ordered, That Mr. Brents inform the senate thereof.

A message from the senate by Mr. M'Lean :

Mr. Speaker,

The senate have passed bills which originated in this house of the following titles :

An act authorising William A. Fry and others, to build a bridge across the Kentucky river ; and an act to establish an election precinct in Nelson county.

And then he withdrew.

A message from the senate by Mr. Ward :

Mr. Speaker,

The senate have passed a bill entitled an act altering the time of holding the circuit courts of Lewis county ; in which bill they request the concurrence of this house.

And then he withdrew.

And then the house adjourned.

FRIDAY, DECEMBER 22, 1820.

On motion,

Ordered, That leave be given to withdraw the petition of Joseph Robinson of Scott county, praying for a divorce ; and also the petition of the citizens of Washington, Mercer and Franklin, praying for the formation of a new county out of parts of said counties.

Mr. Lyne read and laid on the table the following resolutions.

WHEREAS it is represented to the general assembly of the commonwealth of Kentucky, by the planters and shippers of tobacco, the produce of this commonwealth, that the persons appointed by authority of the state of Louisiana, at the public and private warehouses in the City of New Orleans to inspect and weigh the produce of this commonwealth, do not perform the duty assigned to them with that precision and accuracy as to promote right and justice : And whereas, it is further represented, that the duty of weighing the tobacco and other produce of this commonwealth at the City of New Orleans is so inaccurately performed as to produce an average loss of about ten per cent. against the good people of this commonwealth when the weight is considered in reference to the weight in this commonwealth, or in the Atlantic cities : And whereas, it is further represented to this

general assembly, that commission merchants who are often the purchasers of tobacco as well as the sellers thereof, are generally the persons by whom the same is weighed : Wherefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That the governor of the state of Louisiana, be respectfully requested to call the attention of the general assembly of the commonwealth of Louisiana, to the grievances complained of by the people of this commonwealth, and request such a change in their municipal regulations as may effectually remedy the evil.

Resolved, That the governor of this commonwealth be, and he is hereby requested to transmit a copy of the foregoing resolution to the governor of the state of Louisiana, and open a correspondence with him upon the subject, and endeavor to obtain redress of the grievances complained of.

And thereupon the rule of the house being dispensed with, the said resolution was taken up, twice read and adopted.

Ordered, That Mr. Lyne carry the resolution to the senate and request their concurrence.

Mr. Lancaster from the joint committee of enrolments, reported that the committee had examined an enrolled bill entitled an act supplementary to an act to establish the Bank of the commonwealth of Kentucky.

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

Ordered, That Mr. Lancaster inform the senate thereof.

Mr. Hall from the select committee to whom was referred a bill to amend the law subjecting billiard tables to taxation, reported the same with an amendment.

Ordered, That the said bill and amendment, be laid on the table until the first day of June next.

On the motion of Mr. Blakey,

Ordered, That leave be given to bring in a bill to establish a branch bank of the Bank of the Commonwealth of Kentucky, at the town of Bowling-Green ; and that messrs. Blakey, Slaughter, Hall and Fletcher, be appointed a committee to prepare and bring in said bill.

The yeas and nays being required on granting leave to bring in said bill by messrs. Caldwell and Cockerill, were as follows, viz.

Yeas—Mr. Speaker, messrs. Anderson, Bedinger, Berry, Blakey, Boyd, Brents, Calhoun, Cassidy, Chisholm, J. Clark, Cockerill, Craig, Cravens, Cunningham, Fletcher, Gaines, Gerard, Geohegan, Gordon, Grundy, Hall, Harris,

Logan, Love, Lynch, Lyne, H. W. Moore, T. P. Moore, Moseley, Mullens, Munford, Murray, M'Afee, O'Bannon, J. Patterson, W. Patterson, Patton, N. P. Porter, Prewitt, Rife, Roberts, Rudd, Scott, Selby, Shacklett, Shannon, Sharp, Slaughter, Watkins and Winlock—51.

Nays—Messrs. Allen, Barnett, Bray, Butler, Caldwell, S. D. Clark, Cooper, Emerson, Farrow, Ferguson, French, Garrard, Green, Henderson, Howard, Hughes, Hunter, Lacey, Lancaster, M'Elroy, M'Millan, Noland, Parker, Payne, Phillips, Spillman, Stevenson, Stone, Taylor, Townsend, Wakefield, Warfield, Wilcoxson, Williams and Woods—35.

Mr. Blakey from the said committee reported a bill of the title aforesaid.

Which was received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision, and second and third readings of said bill being dispensed with, and the same being engrossed :

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Blakey carry the said bill to the senate and request their concurrence.

Mr. Williams read and laid on the table the following resolution.

Resolved by the House of Representatives and Senate of Kentucky, That they will on Saturday the 23d instant proceed by a joint vote to the election of the presidents and directors of the branchbanks, agreeably to the act establishing the Bank of the Commonwealth of Kentucky.

On the motion of Mr. Lee,

Ordered, That leave be given to bring in a bill for the benefit of the heirs of Alexander Dunbar, deceased ; and that messrs. Lee, Logan, Lancaster and Piercy, be appointed a committee to prepare and bring in said bill.

A message from the governor by Mr. Anderson :
Mr. Speaker,

The governor did on this day approve and sign an enrolled bill which originated in this house entitled an act supplemental to an act to establish the Bank of the Commonwealth of Kentucky.

And then he withdrew.

Ordered, That Mr. Lancaster inform the senate thereof.

Mr. Warfield from the joint committee of enrolments reported that the committee had examined an enrolled bill enti-

And an act to add a part of the county of Casey to the county of Mercer.

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

Ordered, That Mr. Warfield inform the senate thereof.

A message from the senate by Mr. Turner :

Mr. Speaker,

The senate have passed a bill which originated in this house entitled an act to establish a branch bank of the Bank of the Commonwealth at Bowling Green.

And then he withdrew.

A message from the senate by Mr. Gorin :

Mr. Speaker,

The senate have passed a bill entitled an act for the benefit of John M'Ferrin, late deputy sheriff of Barren county ; in which bill they request the concurrence of this house.

And then he withdrew.

A message from the governor by Mr. Anderson :

Mr. Speaker,

I am directed by the governor to inform this house, that he did on this day approve and sign an enrolled bill which originated in this house entitled an act to add a part of Casey county to the county of Mercer.

And then he withdrew.

Ordered, That Mr. Lancaster inform the senate thereof.

It was then moved and seconded to take up a bill to amend and extend the charter of the Bank of Kentucky, and proceed to the consideration thereof.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Allen and Sharp, were as follows, viz.

Yeas—Mr. Speaker, messrs. Barnett, Bedinger, Berry, Blakey, Boyd, Bray, Brents, Butler, Caldwell, Calhoun, Cassidy, J. Clark, S. D. Clark, Cockerill, Cooper, Craig, Cravens, Crow, Emerson, Farrow, Ferguson, Fletcher, French, Gaines, Garrard, Gerard, Gordon, Green, Grundy, Hall, Harris, Henderson, Howard, Hughes, Hunter, Lacey, Lancaster, Lee, Logan, Love, Lynch, Lync, Moseley, Mullens, Munford, M'Affee, M'Elroy, M'Millan, Noland, O'Bannon, Parker, J. Patterson, Patton, Payne, Piercy, Phillips, N. P. Porter, O. C. Porter, Rife, Roberts, Scott, Selby, Shacklett, Shannon, Spillman, Stevenson, Stone, Taylor, Todd, Townsend, Wakefield, Warfield, Watkins, Wickliffe and Winlock—75.

Nays—Messrs. Allen, Chisholm, Cunningham, Geohegan, King, Rudd, Sharp and Williams—8.

The said bill being amended :

It was then moved and seconded to postpone the further consideration of said bill until the first day of June next.

And the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon by messrs. Allen and Williams, were as follows, viz.

Yeas—Messrs. Allen, Bedinger, Blakey, Cassidy, Chisholm, Crow, Cunningham, Shannon, Sharp, Taylor, Wilcoxson and Williams—12.

Nays—Mr. Speaker, messrs. Anderson, Barnett, Berry, Boyd, Bray, Brents, Butler, Caldwell, J. Clark, S. D. Clark, Cockerill, Cooper, Craig, Emerson, Farrow, Ferguson, Fletcher, French, Gaines, Garrard, Gerard, Gordon, Green, Grundy, Hall, Henderson, Hickman, Howard, Hunter, King, Lacey, Lancaster, Lee, Logan, Love, Lynch, Lyne, Moseley, Mullens, Munford, Murray, M'Affee, M'Elroy, M'Kee, M'Millan, Noland, O'Bannon, Parker, J. Patterson, W. Patterson, Payne, Piercy, Phillips, N. P. Porter, O. C. Porter, Rife, Roberts, Rudd, Scott, Selby, Shacklett, Slaughter, Spillman, Stevenson, Stone, Todd, Townsend, Wakefield, Warfield, Watkins, Wickliffe and Woods—73.

Mr. Bedinger then moved, and it was seconded, further to amend said bill by adding thereto the following as an additional section, viz.

And be it further enacted, That the private property of the president, directors and stockholders of the Bank of Kentucky, shall be bound for the redemption of all the notes issued from said bank after the first day of January, 1822 ; and that all notes which may be issued after the said first day of January, 1822, shall bear date accordingly.

And the question being taken on agreeing thereto, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Bedinger and Taylor, were as follows, viz.

Yeas—Messrs. Allen, Bedinger, Berry, Bray, Caldwell, Cassidy, Chisholm, Cockerill, Cooper, Craig, Cravens, Crow, Cunningham, Emerson, Farrow, Ferguson, French, Gaines, Geohegan, Gordon, Grundy, Hall, Harris, Henderson, King, Lacey, Lee, Lynch, Mullens, Munford, Murray, M'Elroy, M'Millan, Noland, Parker, J. Patterson, W. Patterson, N. P. Porter, Rife, Roberts, Scott, Selby, Shacklett, Shannon, Sharp, Taylor, Townsend, Watkins, Wilcoxson and Williams—50.

Nays—Mr. Speaker, messrs. Anderson, Barnett, Blakey, Boyd, Brents, J. Clark, Fletcher, Garrard, Gerard, Green, Hickman, Howard, Hunter, Lancaster, Logan, Love, Lyne, T. P. Moore, Moseley, M'Affee, M'Kee, O'Bannon, Payne, Piercy, Philips, O. C. Porter, Spillman, Stevenson, Stone, Todd, Wakefield, Warfield, Wickliffe, Winlock and Woods—36.

Mr. Caldwell from the majority on the vote by which the aforesaid amendment was adopted, moved for a reconsideration of the said vote :

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Noland and Sharp, were as follows, viz.

Yeas—Mr. Speaker, messrs. Anderson, Barnett, Blakey, Boyd, Brents, Butler, Caldwell, Calhoun, J. Clark, Emerson, Farrow, Fletcher, Garrard, Gerard, Green, Grundy, Harris, Howard, Hunter, Lancaster, Lee, Logan, Love, Lynch, Lyne, Miller, H. W. Moore, T. P. Moore, Moseley, M'Affee, M'Elroy, M'Millan, O'Bannon, Parker, Piercy, Philips, O. C. Porter, Rife, Sandford, Selby, Slaughter, Spillman, Stevenson, Stone, Todd, Wakefield, Warfield, Wickliffe, Winlock and Woods—51.

Nays—Messrs. Allen, Bedinger, Cassidy, Chisholm, S. D. Clark, Cockerill, Cooper, Craig, Cravens, Crow, Cunningham, Ferguson, Gaines, Geohegan, Gordon, Hall, Henderson, King, Lacey, Mullens, Munford, Murray, Noland, J. Patterson, W. Patterson, Payne, N. P. Porter, Roberts, Rudd, Scott, Shacklett, Shannon, Sharp, Taylor, Watkins, Wilcoxson and Williams—37.

The question was then again taken on adopting the said amendment, which was decided in the negative.

The yeas and nays being required thereon by messrs. Hall and Shannon, were as follows, viz.

Yeas—Messrs. Allen, Bedinger, Cassidy, Chisholm, S. D. Clark, Cockerill, Cooper, Craig, Cravens, Crow, Cunningham, Ferguson, Gaines, Geohegan, Gordon, Hall, King, Lacey, Mullens, Munford, Murray, Noland, Parker, J. Patterson, W. Patterson, N. P. Porter, Roberts, Rudd, Sandford, Scott, Selby, Shacklett, Shannon, Sharp, Taylor, Watkins, Wilcoxson and Williams—38.

Nays—Mr. Speaker, messrs. Anderson, Barnett, Berry, Blakey, Boyd, Brents, Butler, Caldwell, J. Clark, Farrow, Fletcher, Garrard, Gerard, Green, Grundy, Harris, Hickman, Howard, Hunter, Lancaster, Lee, Logan, Love, Lynch,

Lyne, Miller, H. W. Moore, T. P. Moore, Moseley, M'Affee, M'Kee, M'Millan, O'Bannon, Patton, Payne, Piercy, Philips, O. C. Porter, Rife, Slaughter, Spillman, Stevenson, Stone, Todd, Wakefield, Warfield, Wickliffe, Winlock and Woods—50.

Mr. Shannon then moved to amend said bill by striking out the whole thereof after the enacting clause, and inserting in lieu thereof the following :

That the 11th, 12th and 13th sections of the act entitled an act to amend and continue in force for a longer period the charter of the Bank of Kentucky, approved February the 6th, one thousand eight hundred and nineteen, be and the same is hereby repealed.

And the question being taken on agreeing thereto, it was decided in the negative.

The yeas and nays being required thereon by messrs. Shannon and Green, were as follows, viz.

Yeas—Messrs. Bedinger, Cassidy, Cockerill, Crow, Cunningham, Grundy, King, Lacey, Shannon and Wilcoxson—10.

Nays—Mr. Speaker, messrs. Anderson, Barnett, Blakey, Boyd, Bray, Brents, Butler, Caldwell, Calhoun, J. Clark, S. D. Clark, Cooper, Craig, Emerson, Farrow, Ferguson, Fletcher, French, Gaines, Garrard, Gerard, Geohagan, Gordon, Green, Hall, Harris, Henderson, Hickman, Howard, Hunter, Lancaster, Lee, Logan, Love, Lynch, Lyne, Miller, H. W. Moore, T. P. Moore, Moseley, Mullens, Munford, M'Affee, M'Elroy, M'Kee, M'Millan, Noland, O'Bannon, Parker, J. Patterson, Patton, Payne, Piercy, Philips, N. P. Porter, O. C. Porter, Rife, Roberts, Rudd, Sandford, Scott, Selby, Shacklett, Sharp, Slaughter, Spillman, Stevenson, Stone, Taylor, Todd, Townsend, Wakefield, Warfield, Watkins, Wickliffe, Williams, Winlock and Woods—79.

It was then moved and seconded to fill the blank in the first section of the bill with " 1829," as the period to which the charter shall be extended.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Crow and Wilcoxson, were as follows, viz.

Yeas—Mr. Speaker, messrs. Anderson, Barnett, Bedinger, Boyd, Bray, Brents, Butler, Caldwell, Calhoun, J. Clark, Cooper, Craig, Cravens, Cunningham, Farrow, Ferguson, Fletcher, French, Gaines, Garrard, Gerard, Green, Grundy, Hall, Harris, Henderson, Hickman, Howard, Hughes, Hunter, Lancaster, Lee, Logan, Love, Lynch, Lyne, Miller, H.

W. Moore, T. P. Moore, Moseley, Mullens, Munford, Murray, M'Affee, M'Elroy, M'Kee, M'Millan, O'Bannon, Parker, Patton, Payne, Piercy, N. P. Porter, O. C. Porter, Rife, Rudd, Sandford, Scott, Selby, Shannon, Slaughter, Spillman, Stevenson, Todd, Townsend, Wakefield, Warfield, Wickliffe, Winlock and Woods—71.

Nays—Messrs. Allen, Berry, Blakey, Cassidy, S. D. Clark, Cockerill, Crow, Emerson, Geohegan, Gordon, King, Lacey, Noland, Philips, Roberts, Shacklett, Stone, Taylor, Watkins, Wilcoxson and Williams—21.

The said bill was then ordered to be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision and third reading of said bill being dispensed with, and the same being engrossed :

Mr. Murray then moved to attach to said bill the following engrossed clause by way of ryder, viz.

And be it further enacted, That after the state's stock in said institution shall be withdrawn, and the stockholders emit paper or contract other debts on their own account, the president, directors and stockholders for the time being, shall be bound in their individual capacities for the redemption of the paper so issued, and debts so contracted, in proportion to their stock respectively.

It was then moved and seconded to amend the said amendment, by inserting after the word "the" in the first line, the words "year 1829, and after the———."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Murray and Watkins, were as follows, viz.

Yeas—Mr. Speaker, messrs. Barnett, Boyd, Bray, Brents, Butler, Caldwell, J. Clark, Farrow, Fletcher, French, Garrard, Gerard, Green, Howard, Hughes, Hunter, King, Lancaster, Lee, Logan, Love, Lynch, Lyne, H. W. Moore, T. P. Moore, Moseley, M'Kee, O'Bannon, Parker, Payne, Philips, O. C. Porter, Rudd, Slaughter, Spillman, Stevenson, Stone, Todd, Wakefield, Warfield, Wickliffe and Woods—43.

Nays—Messrs. Allen, Anderson, Bedinger, Berry, Blakey, Calhoun, Cassidy, S. D. Clark, Cockerill, Cooper, Craig, Cravens, Cunningham, Emerson, Ferguson, Gaines, Geohegan, Gordon, Grundy, Hall, Harris, Lacey, Mullens, Munford, Murray, M'Affee, Noland, W. Patterson, N. P. Porter, Rife, Roberts, Sandford, Shacklett, Shannon, Sharp,

Taylor, Townsend, Watkins, Wilcoxson and Williams—
40.

The said amendment as amended, was then disagreed to.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Wickliffe carry the said bill to the senate and request their concurrence.

A bill to amend the law concerning sheriffs and their deputies, was read a second time, and ordered to be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision and third reading of said bill being dispensed with, and the same being engrossed :

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Wickliffe carry the said bill to the senate and request their concurrence.

And then the house adjourned.

SATURDAY, DECEMBER 23, 1820.

Mr. M'Affee from the committee of claims, to whom was referred a bill for the appropriation of money, reported the same with amendments.

Ordered, That the said bill with the amendments, be committed to a committee of the whole house for this day.

It was then moved and seconded to have 150 copies of said bill printed for the use of the members of this house.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Hall and Todd, were as follows, viz.

Yeas—Messrs. Allen, Bedinger, Butler, Craig, Fletcher, Gaines, Gerard, Grundy, Hall, Henderson, Hickman, T. P. Moore, Munford, Murray, M'Affee, Noland, O'Bannon, J. Patterson, N. P. Porter, Rife, Shacklett, Shannon, Taylor, Todd, Wilcoxson and Winlock—26.

Nays—Mr. Speaker, messrs. Anderson, Barnett, Berry, Blakey, Boyd, Bray, Brents, Caldwell, Cassidy, Chisholm, J. Clark, S. D. Clark, Cockerill, Cooper, Crow, Cunningham, Emerson, Farrow, French, Garrard, Geohegan, Gordon, Green, Harris, Howard, Hughes, Hunter, King, Lacey, Lancaster, Lee, Logan, Love, Lynch, Lyne, Moseley, Mullens, M'Elroy, M'Kee, M'Millan, Parker, W. Patterson,

Payne, Piercy, Phillips, O. C. Porter, Roberts, Rudd, Sandford, Scott, Selby, Sharp, Slaughter, Spillman, Stevenson, Stone, Townsend, Wakefield, Warfield, Watkins, Wickliffe, Williams and Woods—64.

Mr. M'Kee from the committee for courts of justice, made the following report, which was twice read, and laid on the table, viz.

The committee for courts of justice, have according to order, had under consideration the petition of John Martin, representing that in 1777, he furnished Col. John Bowman, who then commanded in the county of Kentucky, four horses, which were appraised to 91*l*; which horses were stolen by the Indians and entirely lost to him, that he has never received any compensation, praying that compensation may be made therefor, and have come to the following resolution thereupon to wit :

Resolved, That the said petition, is reasonable.

Mr. Lancaster from the joint committee of enrolments reported that the committee had examined enrolled bills of the following titles :

An act for the divorce of sundry persons.

An act authorising William A. Fry and others, to erect a bridge across the Kentucky, and for other purposes.

An act for the benefit of the representatives of Samuel Beall, deceased.

An act for the benefit of Jonathan M'Connell and John M'Kinney.

An act to alter and extend the time of holding the Cumberland circuit court, and for other purposes.

An act to establish an election precinct in Nelson county.

And an act to establish a branch bank of the Bank of the Commonwealth at Bowling-Green.

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

Ordered, That Mr. Lancaster inform the senate thereof.

A message from the senate by Mr. Wood :

Mr. Speaker,

The senate have passed a bill which originated in this house entitled an act for surveying the military claims west of the Tennessee river, with amendments, in which they request the concurrence of this house.

And then he withdrew.

It was then moved and seconded to take up an engrossed bill entitled an act providing for the payment of debts by instalments.

And the question being taken thereon it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Allen and Cassidy, were as follows, viz.

Yeas—Mr. Speaker, messrs. Allen, Barnett, Blakey, Boyd, Brents, Cassidy, Chisholm, J. Clark, Fletcher, French, Gaines, Garrard, Gerard, Green, Grundy, Hall, Harris, Henderson, Hickman, Hunter, King, Love, Lynch, Lyne, Miller, H. W. Moore, T. P. Moore, Moseley, Mullens, Munford, M'Afee, M'Kee, M'Millan, O'Bannon, W. Patterson, Patton, Percy, N. P. Porter, Rife, Roberts, Sandford, Scott, Selby, Shacklett, Shannon, Stevenson, Taylor, Todd, Townsend, Wickliffe, Wilcoxson and Winlock—53.

Nays—Messrs. Anderson, Bedinger, Bray, Butler, Caldwell, Calhoun, S. D. Clark, Cockerill, Craig, Crow, Cunningham, Emerson, Farrow, Geohegan, Gordon, Howard, Lacey, Lancaster, Lee, Logan, Murray, M'Elroy, Noland, Parker, J. Patterson, Payne, Philips, Rudd, Sharp, Spillman, Stone, Wakefield, Warfield, Watkins, Williams and Woods—36.

It was then moved and seconded to attach to the first section of the bill, the following words :

Provided however, That no execution shall issue on any such bond after the first day of June 1821.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Wickliffe and Green, were as follows, viz.

Yeas—Messrs. Allen, Brents, Cassidy, Chisholm, J. Clark, Cravens, Farrow, Fletcher, Gaines, Hall, Harris, Henderson, Hunter, King, Lee, H. W. Moore, T. P. Moore, Moseley, Mullens, Munford, O'Bannon, W. Patterson, O. C. Porter, Rife, Roberts, Rudd, Sandford, Scott, Selby, Shannon, Slaughter, Taylor, Todd, Watkins and Wilcoxson—35.

Nays—Mr. Speaker, messrs. Anderson, Barnett, Bedinger, Berry, Blakey, Boyd, Bray, Butler, Caldwell, Calhoun, S. D. Clark, Cockerill, Cooper, Craig, Crow, Cunningham, Emerson, Ferguson, French, Garrard, Gerard, Geohegan, Gordon, Green, Grundy, Hickman, Howard, Lacey, Lancaster, Logan, Love, Lynch, Lyne, Miller, Murray, M'Afee, M'Elroy, M'Kee, M'Millan, Noland, Parker, Payne, Percy, Philips, N. P. Porter, Shacklett, Spillman, Stevenson, Stone, Townsend, Wakefield, Warfield, Wickliffe, Williams and Woods—36.

The second section of said bill was read as follows:

Be it further enacted, That when any execution may have issued, or shall hereafter issue on any judgment or decree, (not heretofore replevied) from the office of a court or justice of the peace, it shall be the duty of the sheriff or constable, having such execution to take and receive from the defendant or defendants, a replevin bond with good security, conditioned that the same shall be void on the said defendants paying one third part of the amount of said replevin bond within months from the date of the aforesaid bond; one other third part of the same within months from the date of said replevin bond; and the remaining third part of the amount of said replevin bond within months from the date of said replevin bond; and it shall and may be lawful, for the clerk or justice of the peace (as the case may be) on any instalment named in said replevin bond becoming due, to issue execution for the amount of said instalment, which execution shall be proceeded on, and returned as prescribed in the first section of this act.

It was then moved and seconded to fill the first blank in said section with *six*.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Scott and Cassidy, were as follows, viz.

Yeas—Mr. Speaker, messrs. Allen, Brents, Cassidy, Chisholm, J. Clark, Craig, Cravens, Fletcher, Gerard, Harris, Henderson, H. W. Moore, Moseley, Mullens, O'Bannon, Rife, Rudd, Sandford, Scott, Selby, Shacklett, Shannon, Slaughter, Todd and Wilcoxson—26.

Nays—Messrs. Anderson, Barnett, Bedinger, Berry, Blakey, Boyd, Bray, Caldwell, Calhoun, S. D. Clark, Cockerill, Cooper, Crow, Cunningham, Emerson, Farrow, Ferguson, French, Gaines, Garrard, Gordon, Green, Grundy, Hall, Hickman, Howard, Hunter, King, Lacey, Lee, Logan, Love, Lynch, Lyne, Munford, Murray, M'Affee, M'Elroy, M'Kee, M'Millan, Noland, Parker, W. Patterson, Payne, Piercy, Phillips, N. P. Porter, O. C. Porter, Roberts, Sharp, Spillman, Stevenson, Stone, Taylor, Townsend, Wakefield, Warfield, Watkins, Wickliffe, Williams and Woods—61.

The first blank was then filled with *three*, the second with *six*, and the third with *nine*.

The fourth section of said bill was then read as follows:

§ 4. *Be it further enacted*, That no execution shall issue agreeably to the provisions of this act, within years

after the bond shall become due, or after the date of the judgment, decree or order of sale, unless the plaintiff, his agent or attorney, shall authorise the clerk or justice of the peace to endorse on said execution, in substance, that notes on the Bank of the Commonwealth of Kentucky or its branches, or notes on the Bank of Kentucky or its branches, will be accepted in discharge of this execution. And it shall be the duty of said clerk or justice of the peace, to make such endorsement and certify the same, on each and every execution thereafter issued on the bond, decree or judgment; nor shall any execution replevable agreeable to the provisions of this act, issue within years after the date of the judgment, decree or order of sale, unless the plaintiff, his agent or attorney, shall authorise the clerk or justice of the peace issuing the same, to endorse on such execution in substance, that the officer may sell the defendant's property on a credit for my benefit, agreeably to an act providing for the payment of debts by instalments.

It was then moved and seconded to fill the first blank in the fourth section, with *two*.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Wickliffe and Caldwell, were as follows, viz.

Yeas—Messrs. Allen, Boyd, Brents, Cassidy, Chisholm, J. Clark, Farrow, Fletcher, Gaines, Hall, Henderson, H. W. Moore, Mosely, M'Affee, O'Bannon, Patton, N. P. Porter, O. C. Porter, Rife, Roberts, Rudd, Scott, Selby, Shannon, Slaughter and Wilcoxson—26.

Nays—Mr. Speaker, messrs. Anderson, Barnett, Bedinger, Berry, Blakey, Gray, Butler, Caldwell, Calhoun, S. D. Clark, Cockerill, Cooper, Craig, Cravens, Crow, Cunningham, Emerson, Ferguson, French, Garrard, Gerard, Geohegan, Gordon, Green, Grundy, Harris, Hickman, Howard, Hunter, King, Lacey, Lancaster, Lee, Logan, Love, Lynch, Lyne, T. P. Moore, Mullens, Munford, Murray, M'Elroy, M'Kee, M'Millan, Noland, Parker, Payne, Piercy, Phillips, Sandford, Shacklett, Sharp, Spillman, Stevenson, Stone, Taylor, Todd, Townsend, Wakefield, Warfield, Watkins, Wickliffe, Williams and Woods—65.

The said bill was then recommitted to a select committee of messrs. Wickliffe, M'Affee, Scott, Henderson and M'Kee.

A message from the governor by Mr. Anderson :

Mr. Speaker,

The governor did on this day approve and sign enrolled

bills which originated in this house of the following titles :

An act to establish a branch bank of the Bank of the Commonwealth at Bowling-Green.

An act authorising William A. Fry and others, to erect a bridge across the Kentucky, and for other purposes.

An act to alter and extend the time of holding the Cumberland circuit court, and for other purposes.

An act for the benefit of Jonathan M'Connell and John M'Kinney.

An act for the benefit of the representatives of Samuel Beall, deceased.

An act for the divorce of sundry persons.

An act to establish an election precinct in Nelson county.

And then he withdrew.

Ordered, That Mr. Lancaster inform the senate thereof.

A message from the senate by Mr. Bowmar :

Mr. Speaker,

The senate have passed a bill which originated in this house entitled an act to regulate endorsements on executions, with amendments, in which they request the concurrence of this house.

And then he withdrew.

On motion,

Ordered, That a message be sent to the senate, requesting leave to withdraw a resolution adopted by this house, fixing on a day for the adjournment of the general assembly ; and that Mr. Payne carry the said message.

A message from the senate by Mr. Flournoy :

Mr. Speaker,

I am directed by the senate to return to this house agreeably to their request, a resolution which passed this house fixing on a day for an adjournment of the general assembly.

And then he withdrew.

A message from the senate by Mr. Barbee :

Mr. Speaker,

The senate have passed a resolution fixing a day for the election of presidents and directors to the branch banks of the Bank of the Commonwealth ; in which resolution they request the concurrence of this house.

And then he withdrew.

The said resolution was then taken up, twice read, amended by striking out " the 23d," and inserting " the 25th," and concurred in.

Ordered, That Mr. ——— inform the senate thereof.

A message from the senate by Mr. Pope :

Mr. Speaker,

The senate disagree to resolutions which originated in this house in relation to the inspection laws at New-Orleans.

And then he withdrew.

Mr. Wickliffe from the select committee to whom was referred an engrossed bill entitled an act providing for the payment of debts by instalments, reported the same with amendments.

The house took up the amendments proposed by the senate to a bill from this house entitled an act to regulate endorsements on executions.

The first and second amendments of the senate to said bill, being twice read and concurred in : The third amendment of the senate was then read as follows, viz. After the seventh section of the bill, insert the following :

Be it enacted, That all executions which shall, or may be issued, prior to the first day of July next, upon a replevy bond, recognizance or other bond, having the force of a judgment, except such as may be issued upon bonds given for the purchase of property sold under execution, order or decree of sale, shall not be returnable in a shorter time than one hundred and twenty days after the test of said execution ; and such execution or executions, shall remain in the office of the clerk or justice of the peace issuing the same, for ninety days after the same may have been issued : *Provided,* that executions may be taken out in all cases after the said 1st day of July ; and such execution or executions, shall have the same lien upon the property or estate of the defendant or defendants, from the test thereof, that is now given by law from the time the same might have been placed in the hands of the sheriff or other officer to whom it might have been directed : *Provided however,* that if any plaintiff or plaintiffs, his, her or their agent or attorney, shall file an affidavit in writing with the clerk or justice of the peace who have issued such execution or executions, that he, she or they have good cause to believe, and do believe, that the defendant or defendants, in such execution or executions, will remove his, her or their property or estate, without the county, or fraudulently conceal or transfer the same, before the expiration of the ninety days as aforesaid ; then and in that case, it shall be lawful for such execution or executions, to be taken out of the office of the clerk or justice of the peace, to be proceeded upon in the same manner as if this act had not passed.

Be it further enacted, That in all cases where an execution may or shall issue or be issued, upon any replevin bond, recognizance, forthcoming bond, or other bond having the force of a judgment, except upon bonds given for the purchase of property sold under execution, unless the plaintiff or plaintiffs, shall in addition to the endorsement, that notes on the Bank of Kentucky and its branches, will be taken in discharge of said execution, endorse that notes on the Bank of the Commonwealth of Kentucky and its branches, will be received in like manner, the defendant or defendants, in such execution or executions, may replevy the same for twelve months; or if the said defendant or defendants, shall not replevy said execution or executions, the same shall be levied; the estate so levied upon, shall be sold on a credit of twelve months; and the officer making such sale, shall take bond with good and sufficient security of the purchaser or purchasers, which bonds shall have the force and effect of a judgment, and in all respects be proceeded on as like bonds now are.

It was then moved and seconded to amend the said amendment, by expunging therefrom the words printed in italics.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Henderson and Williams, were as follows, viz.

Yeas—Messrs. Allen, Boyd, Brents, Cassidy, J. Clark, Cravens, Fletcher, French, Harris, Henderson, Lee, Lynch, Moseley, Mullens, M'Affee, Patton, N. P. Porter, O. C. Porter, Rife, Rudd, Scott, Selby, Slaughter, Watkins, and Winlock—25.

Nays—Mr. Speaker, messrs. Anderson, Barnett, Bedinger, Blakey, Caldwell, Calhoun, S. D. Clark, Cockerill, Cooper, Craig, Crow, Cunningham, Emerson, Farrow, Ferguson, Gaines, Garrard, Geohegan, Gordon, Green, Grundy, Hall, Hickman, Howard, King, Lancaster, Logan, Love, H. W. Moore, T. P. Moore, Munford, Murray, M'Millan, Noland, O'Bannon, Parker, J. Patterson, W. Patterson, Payne, Philips, Roberts, Shacklett, Shannon, Sharp, Spillman, Stone, Taylor, Todd, Townsend, Wakefield, Warfield, Wickliffe, Williams and Woods—55.

It was then moved and seconded that this house disagree to the said amendment.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Williams and Wickliffe, were as follows, viz.

Yeas—Messrs. Barnett, Bedinger, S. D. Clark, Cooper, Craig, Emerson, Ferguson, French, Gaines, Geohegan, Gordon, Grundy, Hickman, Howard, Lancaster, Logan, Love, Moseley, Murray, M'Affee, M'Millan, Parker, Patton, Philips, Rudd, Selby, Spillman, Stone, Townsend, Wakefield, Watkins, Wickliffe, Williams, Winlock and Woods—35.

Nays—Messrs. Allen, Anderson, Berry, Blakey, Brents, Butler, Caldwell, Calhoun, Cassidy, J. Clark, Cockerill, Cravens, Crow, Cunningham, Farrow, Fletcher, Garrard, Gerard, Hall, Harris, Henderson, Hunter, King, Lee, Lynch, H. W. Moore, T. P. Moore, Mullens, Munford, Noland, O'Bannon, J. Patterson, W. Patterson, Payne, N. P. Porter, O. C. Porter, Rife, Roberts, Sandford, Scott, Shacklett, Shannon, Sharp, Slaughter, Taylor, Todd and Warfield—46.

The said amendments of the senate were then concurred in with an amendment.

Ordered, That Mr. Warfield inform the senate thereof, and request their concurrence in the said amendment.

And then the house adjourned.

MONDAY, DECEMBER 25, 1820.

A message from the senate by Mr. Roper :

Mr. Speaker,

The senate have passed a bill which originated in this house entitled an act to amend the law concerning sheriffs and their deputies. And they have passed a bill entitled an act for the benefit of Charles W. J. Jérôme ; in which bill they request the concurrence of this house. They concur in the amendment proposed by this house to a resolution from the senate fixing on a day for the election of presidents and directors of the branch banks of the Bank of the Commonwealth. And they have received official information that the governor did on the 20th instant approve and sign enrolled bills which originated in that house, of the following titles :

An act supplemental to an act forming the county of Perry.

An act authorising the trustees of the Hardin and Jefferson academies to sell their donation lands, and for other purposes.

An act for transcribing certain surveys on treasury warrants in Green county.

An act for the benefit of John A. Markley.

An act for the benefit of William W. and George W. Whitaker.

An act to authorise the secretary of state to furnish the department of state for the United States with a complete edition of the laws of this commonwealth.

An act to prevent the circulation of private notes.

An act to amend the act entitled an act to provide for the further publication of the decisions of the court of appeals.

An act providing for the collection of the revenue of Harlan county for the year 1819.

An act for the benefit of poor widows.

An act for the benefit of the heirs of Johnson Ellis.

An act concerning the publication of orders of court, and for other purposes.

An act for the benefit of Benjamin Bridges.

An act appointing persons to view a way for a road from Danville to the Tennessee line.

And then he withdrew.

Mr. Warfield from the joint committee of enrolments reported that the committee had examined an enrolled resolution fixing on a day for the election of presidents and directors to the branch banks of the commonwealth.

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

Ordered, That Mr. Warfield inform the senate thereof.

Mr. M'Affee from the select committee to whom was referred a bill to amend the militia law, reported the same with amendments.

Ordered, That the said bill and amendments, be laid on the table.

Mr. Lee from the select committee appointed for that purpose, reported a bill for the benefit of the heirs of Alexander Dunbar, deceased.

Which bill was read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision, and second and third readings of said bill being dispensed with, and the same being engrossed :

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Lee carry the said bill to the senate and request their concurrence.

A message from the senate by Mr. Lackey :

Mr. Speaker,

The senate have passed a bill which originated in this house

entitled an act for the benefit of the heirs of Alexander Dunbar, deceased.

And then he withdrew.

A message from the senate by Mr. Barbee :

Mr. Speaker,

The senate have received official information that the governor did on this day approve and sign an enrolled resolution which originated in that house, fixing on a day for the election of presidents and directors of the branch banks of the commonwealth.

And then he withdrew.

Mr. Warfield from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles :

An act to amend the act appropriating fines and forfeitures for the purpose of promoting education.

An act to amend the law concerning the sales of non-residents' lands for taxes.

An act to amend the law concerning sheriffs and their deputies.

And an act to regulate endorsements on executions.

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

Ordered, That Mr. Warfield inform the senate thereof.

A message from the senate by Mr. Pope :

Mr. Speaker,

The senate concur in the amendments proposed by this house upon concurring in those proposed by the senate, to a bill which originated in this house entitled an act to regulate endorsements on executions.

And then he withdrew.

A message from the senate by Mr. Bowmar :

Mr. Speaker,

The senate have passed a bill which originated in this house entitled an act to amend and extend the charter of the Bank of Kentucky, with amendments, in which they request the concurrence of this house.

And then he withdrew.

A message from the governor by Mr. Anderson :

Mr. Speaker,

I am directed by the governor to inform this house that he did on this day approve and sign enrolled bills which originated in this house of the following titles :

An act to amend the law concerning sheriffs and their deputies.

And an act to regulate endorsements on executions. And then he withdrew.

Ordered, That Mr. Warfield inform the senate thereof.

A bill providing for the sale of the vacant lands west of the Tennessee river, was read a second time and amended.

It was then moved and seconded to attach to said bill the following as an additional section, viz.

And be it further enacted, That any person may enter with the register of the land office at private sale, after the public sales are completed, any section or quarter section, which shall have been offered for sale at public sale, and struck off to the state : *Provided*, that the person or persons, entering with the register of the land office any such section or quarter section, shall immediately pay down to the register of the land office the price at which the section or quarter section might have been sold for at public sale.

And be it further enacted, That when any person or persons shall enter any section or quarter section with the register of the land office, and pay for the same in pursuance of the preceding section, it shall be the duty of the register of the land office to issue a grant for the land purchased : *Provided however*, that no section or quarter section shall be entered with the register of the land office, which shall not have been first offered for sale at public sale, and struck off to the state for want of bidders : *And provided further*, that no section or quarter section, shall be entered at private sale, that may have been sold at public sale and forfeited to the state by the purchaser failing to pay the money for the same.

And the question being taken on agreeing thereto, it was decided in the negative.

The yeas and nays being required thereon by messrs. Cravens and Cassidy, were as follows, viz.

Yeas—Messrs. Barnett, Berry, Brents, Butler, Caldwell, J. Clark, Craig, Fletcher, Garrard, Howard, Logan, Love, Mullens, Murray, M'Afee, M'Kee, Piercy, N. P. Porter, O. C. Porter, Selby, Shannon, Slaughter, Spillman, Townsend and Warfield—25.

Nays—Mr. Speaker, messrs. Anderson, Bedinger, Blakey, Boyd, Bray, Calhoun, Cassidy, Chisholm, S. D. Clark, Cockerill, Cooper, Cravens, Crow, Cunningham, Emerson, Ferguson, French, Gaines, Gerard, Geohegan, Gordon, Green, Grundy, Hall, Harris, Hickman, Hughes, King, Lacey, Lee, Lynch, Lyne, Miller, H. W. Moore, T. P. Moore, Moseley, Munford, M'Elroy, M'Millan, Noland, O'Bannon,

Parker, W. Patterson, Patton, Payne, Rife, Roberts, Rudd, Ruffin, Sandford, Scott, Shacklett, Sharp, Stone, Taylor, Watkins, Wickliffe, Wilcoxson and Williams—60.

The said bill being further amended, was ordered to be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision and third reading being dispensed with :

The question was then taken on the passage of said bill, which was decided in the affirmative.

The yeas and nays being required thereon by messrs. Wilcoxson and Hickman, were as follows, viz.

Yeas—Mr. Speaker, messrs. Anderson, Barnett, Berry, Blakey, Boyd, Bray, Brents, Caldwell, Calhoun, Cassidy, Chisholm, J. Clark, S. D. Clark, Cockerill, Cravens, Crow, Cunningham, Emerson, Fletcher, French, Gerard, Gordon, Green, Grundy, Hall, Harris, Hughes, Lee, Logan, Love, Lynch, Lyne, H. W. Moore, T. P. Moore, Moseley, Mullen, Munford, Murray, M'Affee, M'Elroy, M'Kee, M'Millan, Noland, O'Bannon, Parker, J. Patterson, W. Patterson, Payne, Piercy, N. P. Porter, O. C. Porter, Rife, Roberts, Rudd, Ruffin, Selby, Shacklett, Shannon, Slaughter, Spillman, Stone, Taylor, Townsend, Warfield, Watkins and Wickliffe—67.

Nays—Messrs. Bedinger, Butler, Cooper, Craig, Ferguson, Gaines, Garrard, Geohegan, Hickman, King, Lacey, Patton, Sandford, Scott, Sharp, Wilcoxson and Woods—17.

Ordered, That the title be amended by adding thereto "and for forming one or more counties south-west of said river;" and that Mr. M'Kee carry the said bill to the senate and request their concurrence.

The house took up the amendments proposed by the senate to a bill from this house entitled an act to amend and extend the charter of the Bank of Kentucky :

Which being severally twice read, were concurred in.

Ordered, That Mr. Wickliffe inform the senate thereof.

A message from the senate by Mr. Williams :

Mr. Speaker.

I am directed to inform this house that the senate are now ready by a joint vote with this house, to proceed to the election of presidents and directors to the branch banks of the Bank of the Commonwealth.

And then he withdrew.

A message from the senate by Mr. Jones :

Mr. Speaker,

The senate have passed a bill entitled an act for establishing and laying off a town at the Iron Banks ; in which bill they request the concurrence of this house.

And then he withdrew.

An engrossed bill entitled an act to divide the fifth judicial district, was read a third time, and amended by engrossed ryder.

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Wickliffe carry the said bill to the senate and request their concurrence.

Ordered, That a message be sent to the senate informing them that this house is now ready by a joint vote with the senate, to proceed to the election of presidents and directors to the branch banks of the Bank of the Commonwealth ; and that Mr. M'Kee carry the said message.

After exchanging nominations with the senate, and taking a vote on the several nominations, and a comparison thereof by a joint committee appointed for that purpose, the following gentlemen were declared duly elected for the several offices.

FLEMINGSBURG.

Wm. P. Fleming, President. George W. Botts, James Crawford, John D. Stockton, James Alexander, Larkin Anderson, Aaron Owens, Charles Ward and James Morris, Directors.

FALMOUTH.

Press. G. Kennett, President. James King, James Wilson, Joseph E. Glenn, Samuel Hughey, Isaac Miller, John Baker, Willis Graves and William Clark, Directors.

LEXINGTON.

James Morrison, President. Elisha Warfield, Charles Humphreys, Wm. R. Morton, James E. Davis, Matthew Kennedy, David Thomson, Elijah Craig and James Long, Directors.

LOUISVILLE.

James D. Breckinridge, President. Matthew Love, Charles M. Thurston, George W. Chambers, Levi Tyler, John Rowan, Martin H. Wickliffe, Ben. Helm and Weir Tilford, Directors.

HARTFORD.

Charles M'Creery, President. Benj. Field, Rob't. M'sey, Richard L. Walker, Charles Henderson, John Cuning-

ham, John Murray, James Hillyer and Joshua H. Davis, Directors.

PRINCETON.

John H. Phelps, President. Enoch Prince, Robert P. B. Caldwell, Joseph R. Given, Jeremiah Rucker, Thomas G. Davis, Willis Morgan, Robert P. Henry and John Gray, Directors.

GREENSBURG.

James Allen, President. Alexander Miller, William T. Bush, Joel Owsley, George T. Wood, Radford Maxey, Henry Embree, Joseph Akin and Elijah Creel, Directors.

HARRODSBURG.

Samuel Daviess, President. Robert Crockett, David L. M'Kee, Nathan H. Hall, Jesse Coffey, Beriah Magoffin, William Robertson, David G. Cowan and Joel P. Williams, Directors.

WINCHESTER.

Isaac Cunningham, President. Thomas G. Jones, Lewis Grigsby, John Miles, James Simpson, William Goodloe, John Oldham, Tandy Allen and Hugh Talbot, Directors.

MOUNTSTERLING.

George Howard, President. Micajah Harrison, Samuel D. Everett, John Williams, Paul Durrett, James M'Ilhenny, Thomas D. Owings, Henry B. Mayo and Joseph R. Ward, Directors.

SOMERSET.

William Fox, President. Henry James, John Griffin, Charles Hays, Benj. Eve, Michael Davidson, Isaac West, Wm. Smith and Joseph Porter, Directors.

BOWLING-GREEN.

John Loving, President. Jonathan Hobson, Wm. Blakey, Alex'r. Graham, George W. Call, John Wills, William J. Williams, James T. Morehead and Richard B. Dallam, Directors.

The house took up the amendments proposed by the senate to a bill which originated in this house entitled an act to provide for surveying the military claims west of the Tennessee river:

Which being twice read were concurred in.

Ordered, That Mr. M'Kee inform the senate thereof.

On motion,

Ordered, That the public printers forthwith print 1000 copies of the act to establish the Bank of the Commonwealth of Kentucky; and of the act supplemental thereto; of the act to amend an act entitled an act to amend an act concerning oc-

cupping claimants of land ; and of the act to regulate endorsements on executions, for the use of the members of the legislature.

The house took up the resolution for a final adjournment of the general assembly ; which being twice read, and amended by filling up the blank therein, with Wednesday the 27th instant, as the day fixed for that purpose, was concurred in.

Ordered, That Mr. Warfield carry the said resolution to the senate and request their concurrence.

A bill from the senate entitled an act to add a part of Galatin county to the county of Owen,

Was read a third time.

And the question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. N. P. Porter and Todd, were as follows, viz.

Yeas—Mr. Speaker, messrs. Barnett, Blakey, Bray, Brents, Caldwell, Calhoun, Cassidy, J. Clark, Cockerill, Crow, Fletcher, French, Gaines, Gerard, Geohegan, Green, Howard, King, Logan, Lyne, T. P. Moore, Moseley, Munford, M'Afee, M'Elroy, J. Patterson, W. Patterson, Piercy, O. C. Porter, Roberts, Rudd, Sandford, Scott, Selby, Shacklett, Slaughter, Spillman, Todd, Wakefield, Warfield, Wickliffe, Williams and Woods—44.

Nays—Messrs. Bedinger, Boyd, S. D. Clark, Cooper, Craig, Emerson, Garrard, Gordon, Grundy, Hall, Hickman, Lacey, Love, H. W. Moore, Mullens, Murray, M'Kee, M'Millan, Noland, Parker, N. P. Porter, Shannon, Taylor and Townsend—24.

Ordered, That Mr. Todd inform the senate thereof.

And then the house adjourned.

TUESDAY, DECEMBER 26, 1820.

A bill from the senate entitled an act to change the terms of the Logan circuit court, was read the first time and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second and third readings of said bill being dispensed with :

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. O'Bannon inform the senate thereof.

The house then according to the standing order of the day resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Wickliffe in the chair; which being resumed by Mr. Speaker, Mr. Wickliffe reported that the committee had according to order, had under consideration a bill for the appropriation of money, and had gone through the same with amendments, which he handed in at the clerk's table.

The first, second and third of which, being concurred in: The fourth amendment, which proposes to add thereto the following item, was read, viz.

Be it further enacted. That from and after the passage of this act, the salary of the secretary of state of this commonwealth, shall be one thousand dollars.

And the question being taken on agreeing thereto, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. Cravens and Cockerill, were as follows, viz.

Yeas—Mr. Speaker, messrs. Anderson, Barnett, Blakey, Boyd, Brents, Butler, Caldwell, Calhoun, Cassidy, Craig, Ferguson, Fletcher, Gaines, Garrard, Gerard, Gordon, Harris, Hickman, Howard, Hunter, Lee, Logan, Love, Lyne, T. P. Moore, Murray, M'Affee, M'Kee, Parker, J. Patterson, Payne, N. P. Porter, O. C. Porter, Rife, Selby, Shannon, Slaughter, Spillman, Stevenson, Todd, Wakefield, Warfield, Watkins and Wickliffe—45.

Nays—Messrs. S. D. Clark, Cockerill, Cooper, Cravens, Crow, Emerson, French, Geohegan, Grundy, Hall, Lacey, Lynch, Moseley, Mullens, Munford, M'Elroy, M'Millan, Noland, O'Bannon, W. Patterson, Patton, Piercy, Roberts, Scott, Shacklett, Sharp, Stone, Taylor, Townsend and Williams—30.

It was then moved and seconded to amend the said bill by striking out from the allowance made to the sergeant-at-arms of the senate and house of representatives, the sum of twenty one dollars each per week, and fill it with fourteen dollars.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Hall and Cockerill, were as follows, viz.

Yeas—Messrs. Anderson, Berry, Cockerill, Cooper, Crow, Emerson, Geohegan, Gordon, Grundy, Hall, Lacey, Lancaster, Lynch, Mullens, Munford, Noland, W. Patterson, N. P. Porter, Roberts, Sharp, Taylor, Townsend, Watkins and Williams—24.

Nays—Mr. Speaker, messrs. Barnett, Blakey, Boyd, Brents, Butler, Caldwell, Calhoun, Cassidy, J. Clark, S. D. Clark, Craig, Cravens, Cunningham, Ferguson, Fletcher, French, Gaines, Garrard, Gerard, Harris, Hickman, Howard, Hunter, Lee, Logan, Love, Lyne, T. P. Moore, Moseley, Murray, M'Affee, M'Kee, M'Millan, O'Bannon, J. Paterson, Patton, Payne, Piercy, O. C. Porter, Rife, Sandford, Scott, Selby, Shacklett, Shannon, Spillman, Stevenson, Stone, Todd, Wakefield, Warfield and Wickliffe—53.

The said bill was then ordered to be engrossed and read a third time.

A message from the senate by Mr. Ewing :

Mr. Speaker,

The senate concur in the resolution from this house fixing on a day for the final adjournment of the general assembly.

And then he withdrew.

A message from the senate by Mr. White :

Mr. Speaker,

The senate have received official information that the governor did on yesterday approve and sign enrolled bills which originated in that house of the following titles :

An act to amend the law concerning the sales of non-residents' lands for taxes.

An act to amend the act appropriating fines and forfeitures for the purposes of promoting education.

And they have passed bills which originated in this house of the following titles :—An act to add a part of Gallatin county to the county of Boone ; and an act to provide for the sale of the vacant lands west of the Tennessee river, and establish one or more counties on the south-west side of the Tennessee river out of the counties of Caldwell and Livingston, with amendments to each, in which they request the concurrence of this house.

And then he withdrew.

It was then moved and seconded to take up and read a second time, a bill from the senate entitled an act to establish a state lunatic hospital.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Williams and J. Clark, were as follows, viz.

Yeas—Mr. Speaker, messrs. Brents, Butler, Caldwell, Calhoun, Cassidy, J. Clark, Fletcher, Gerard, Hall, Hickman, Howard, Hunter, Love, Lynch, T. P. Moore, Munford, Murray, M'Affee, Parker, Patton, Payne, N. P. Porter, Rife,

Rudd, Ruffin, Sandford, Scott, Selby, Shannon, Stevenson, Stone, Todd and Watkins—54.

Nays—Messrs. Anderson, Barnett, Blakey, S. D. Clark, Cockerill, Cooper, Crow, Cunningham, Emerson, Ferguson, French, Gaines, Garrard, Geohegan, Gordon, Grundy, Harris, Lacey, Lancaster, Lee, Logan, Lyne, Moseley, M'Kee, M'Millan, Noland, O'Bannon, J. Patterson, W. Patterson, Piercy, O. C. Porter, Roberts, Shacklett, Sharp, Spillman, Taylor, Townsend, Wakefield, Warfield, Wilcoxson and Williams—41.

Mr. Lancaster from the joint committee of enrolments reported that the committee had examined enrolled bills of the following titles :

An act to add a part of Gallatin to Owen county.

An act to change the terms of the Logan circuit court.

An act to amend and extend the charter of the Bank of Kentucky.

An act for surveying the military claims west of the Tennessee river.

And an act for the benefit of the heirs of Alexander Dunbar, deceased.

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

Ordered, That Mr. Lancaster inform the senate thereof.

A message from the senate by Mr. Pope :

Mr. Speaker,

The senate have passed a bill which originated in this house entitled an act to divide the fifth judicial district, with an amendment, in which they request the concurrence of this house.

And then he withdrew.

The said amendment was then taken up, twice read and concurred in.

Ordered, That Mr. Wickliffe inform the senate thereof.

Ordered, That a bill from the senate entitled an act providing for the repairing and improvement of the penitentiary, and the amendments thereto, be postponed until the first day of June next.

The house took up the amendments proposed by the senate upon concurring in those proposed by this house, to a bill from the senate entitled an act for the benefit of the sheriffs of Greenup and Lewis counties.

Which being twice read, were concurred in.

Ordered, That Mr. Wickliffe inform the senate thereof.

The house took up the amendments proposed by the senate to bills from this house of the following titles :

An act for the benefit of the heirs of Morgan Pitcher, deceased ; an act to add a part of Gallatin to the county of Boone ; and an act providing for the sale of the vacant lands west of the Tennessee river.

Which being severally twice read, those to the first and second were concurred in ; the second and third amendments to the third bill, were concurred in, and the first disagreed to.

Ordered, That Mr. Wickliffe inform the senate thereof.

An engrossed bill entitled an act for the appropriation of money.

Was read a third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Warfield carry the said bill to the senate and request their concurrence.

A bill from the senate entitled an act for laying off and establishing a town at the Iron Banks, was read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second and third readings of said bill being dispensed with, and the same being amended :

Resolved, That the said bill do pass, as amended.

Ordered, That Mr. M'Kee inform the senate thereof, and request their concurrence in the said amendments.

A message from the senate by Mr. Slaughter :

Mr. Speaker,

The senate insist upon their first and fifth amendments proposed to a bill which originated in this house, entitled an act providing for the sale of lands west of the Tennessee river, and to establish one or more counties south west of the Tennessee river out of the counties of Caldwell and Livingston.

And then he withdrew.

The house then proceeded to reconsider the amendments of the senate proposed to said bill.

Resolved, That this house do insist upon their disagreement to the said amendments : Whereupon,

On motion,

Ordered, That Messrs. M'Kee, M'Affee, Brents, Grundy, Logan and Hall, be appointed a committee of conference on the part of this house, to confer with such committee as may be appointed on the part of the senate, on the subject of the said disagreement.

Ordered, That Mr. M'Afee inform the senate thereof, and request the appointment of a committee on the part of the senate.

A message from the senate by Mr. Ewing :

Mr. Speaker,

The senate disagree to a bill which originated in this house entitled an act for the benefit of the heirs of Peter Grow.

And then he withdrew.

Mr. Watkins from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles :

An act to divide the fifth judicial district.

An act for the benefit of the heirs of Morgan Pitcher, deceased.

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

Ordered, That Mr. Watkins inform the senate thereof.

It was then moved and seconded that this house take up, and proceed to the consideration of an engrossed bill entitled an act to amend the law relative to executions.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by messrs. T. P. Moore and ——— were as follows, viz.

Yeas—Mr. Speaker, messrs. Boyd, Bray, Brents, Butler, Caldwell, J. Clark, Craig, Cravens, Fletcher, French, Gerard, Harris, Hickman, Hunter, King, Lee, Logan, T. P. Moore, Moseley, Mullens, Murray, M'Afee, M'Kee, M'Millan, O'Bannon, Patton, Piercy, N. P. Porter, O. C. Porter, Rife, Roberts, Rudd, Ruffin, Sandford, Scott, Selby, Shannon, Stevenson, Todd, Warfield, Wilcoxson, Winlock and Woods—44.

Nays—Messrs. Barnett, Berry, Blakey, Calloun, S. D. Clark, Cockerill, Cooper, Crow, Cunningham, Emerson, Garrard, Geohegan, Gordon, Grundy, Hall, Howard, Lacey, Lancaster, Love, Lynch, Munford, M'Elroy, Noland, Parker, J. Patterson, Shacklett, Spillman, Stone, Taylor, Townsend, Wakefield and Williams—32.

The said bill was then read a third time as follows, viz.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That whenever any lands or tenements shall be sold after the passage of this act, by virtue of any execution heretofore issued, or which shall hereafter be issued, or by a decree of a court or order of sale, it shall be the duty of the sheriff, other officer or deputy, making said

sale, instead of executing a deed for the premises sold, to give to the purchaser or purchasers of said lands and tenements, a certificate in writing, describing the lands or tenements purchased, and the sum paid therefor, and the time when the purchaser will be entitled to a deed for such lands or tenements, unless the same shall be redeemed agreeably to the provisions of this act ; and the sheriff, other officer or deputy, shall within thirty days after such sale, file in the office of the clerk of the county court of the county in which the lands and tenements sold shall lie, a duplicate of such certificate signed by him ; and such duplicate certificate or a certified copy thereof, shall be deemed as evidence of the facts therein contained, in any suit at law, or in equity, relative to the lands and tenements so sold ; which certificate, it shall be the duty of the clerk to record in the deed book of his office.

§ 2. *Be it further enacted*, That whenever any lands or tenements shall be sold on execution, it shall and may be lawful for any creditor by execution or order of sale, of the person whose lands or tenements shall have been sold, his executors or administrators, within twelve months from and after said sale, to redeem the said lands or tenements, by paying or tendering to the purchaser thereof, the amount of the purchase money, or such bank paper which by endorsement, he, she or they may have agreed to receive in payment, which may have been paid on the purchase thereof, together with six per cent. interest thereon from the time of its payment, to the purchaser, his executors or administrators, or to the sheriff of the county in which the lands or tenements may lie, for his or their use, and also by releasing to the debtor the amount of his execution, whereupon the purchaser or sheriff, shall give a receipt for the amount of the purchase money with interest, which receipt together with the release of the execution aforesaid, shall be filed with the clerk of the county court of the county in which the lands or tenements may lie, within thirty days after the time of redemption aforesaid ; and it shall be lawful for any other creditor or creditors by execution or order of sale, of the person whose lands or tenements shall have been sold, within twelve months from and after said sale, to redeem the same from the previous redeeming creditor successively, by paying or tendering to the previous redeeming creditor or the sheriff for his use, the amount of the purchase money with interest, and the amount of the execution released, and by releasing the amount of his own execution ; and upon his filing the receipt of the previous re-

deeming creditor, or of the sheriff for his use, and the release of his own execution with the clerk of the county court of the county within which the lands or tenements may lie, the right to said lands or tenements so sold, shall successively vest in the last redeeming creditor, unless the same shall be redeemed as hereinafter mentioned by the person whose lands or tenements shall have been sold, his heirs or representatives.

§ 3. *Be it further enacted*, That it shall and may be lawful for the person whose lands or tenements shall have been sold, or his heirs, executors, administrators or grantees, within six months from and after the expiration of the twelve months from the sale aforesaid, to redeem the said lands or tenements so sold, upon his paying to the purchaser or sheriff for his use, the amount of the purchase money with interest as aforesaid, or upon his paying to the last redeeming creditor aforesaid, or the sheriff for his use, as the case may be, the amount of the purchase money with interest, together with the amount of executions previously released, under the provisions of the foregoing section; and upon the said debtor, his heirs or representatives, or grantees filing with the clerk of the county court of the county in which said lands or tenements shall lie, the receipt of the purchaser or redeeming creditor, as the case may be, their heirs or representatives, the lands or tenements so sold or redeemed shall revest in the said person so last redeeming, or his heirs, as the case may be, and the said sale shall be null and void; and the receipts and releases aforesaid, shall be recorded by the clerk of the county court of the county within which the land sold may lie, and copies of them certified by the said clerk, shall be evidence in any suit in law or equity relative to said lands and tenements: *Provided however*, if the purchaser or creditor who shall have redeemed the estate under the provisions of this act, shall refuse to accept bank paper of the kind which he paid for the property, when tendered to him within the period prescribed by this act, the defendant or any creditor, shall have the further time of twelve months to redeem the same in money; and upon such payment being made, the said sale and the certificate granted thereon, shall be null and void.

§ 4. *Be it further enacted*, That if such lands or tenements so sold, shall not be redeemed agreeably to the provisions of this act, within eighteen months after said sale, by the debtor or any creditor as aforesaid, or their executors or administrators, it shall be the duty of said sheriff, other officer or deputy, to make a conveyance of said lands or tenements sold to

said first purchaser or redeeming creditor, as the case may be, upon his receiving certified copies of the receipts and releases aforesaid, as the case may be, which documents, together with the deed, shall be filed with the clerk aforesaid; which deed shall convey all the right, title and interest of the person whose lands or tenements were sold, and of the person or persons, who had redeemed as aforesaid.

§ 5. *Be it further enacted.* That after the expiration of twenty-one months from and after said sale, if the person whose lands or tenements have been sold, has failed to redeem the same, and shall refuse to give possession of the same to the person holding the deed made by said sheriff, other officer or deputy, the person so refusing to deliver possession, shall be liable to be proceeded against under the law relative to forcible entries and detainers.

§ 6. *Be it further enacted,* That bank stock or turnpike stock, or any stock of any corporation, held or owned by any person against whom judgment has been or shall be obtained, shall be subject to execution in the same manner with other estate; and it shall be the duty of any cashier, clerk or secretary of any such corporation, on demand or request of any such person obtaining a judgment against a stockholder, or of the sheriff or other officer holding an execution, to deliver to said plaintiff or officer, a certificate of the amount of stock held or owned by any defendant; which said stock shall, or may be exposed to sale by the sheriff or other officer, as other property; and the sheriff or other officer making such sale, shall endorse on said certificate, that he has sold the stock therein mentioned, stating the price and to whom sold; and on the presentation of said certificate with the said endorsement to the cashier, clerk or secretary of any corporation, whose stock is described therein, under the sanction of the president and managers, or the directors, as the case may be, to make an entry in the proper book, of the transfer of said stock to said purchaser, whereupon said purchaser shall have all the right to said stock, which was held or owned by the said defendant.

§ 7. *Be it further enacted,* That whenever a sheriff, other officer or deputy, shall summon a jury to try the right of property taken on execution, it shall be his duty to call on some justice of the peace, whose duty it shall be to preside over said trial, preserve order, decide matters of law, and receive the verdict of the jury endorsed on the execution; which verdict shall have the same effect as under the laws now in force.

§ 8. *Be it further enacted*, That in all the cases of the right of redemption above given, to the first or other creditor of any defendant, the said defendant or defendants, shall have the said right of redemption, in preference to all other persons entitled to the said right of redemption by the foregoing provisions, within the periods therein assigned or prescribed.

§ 9. *Be it further enacted*, That if the purchaser of said lands and tenements at sheriffs' sale, or other officers' sale, or sale by a commissioner or commissioners, shall think proper to pay to any creditor or creditors, who may offer to redeem said lands and tenements, the amount of his or their claims against the debtor; then, and in that case, the said purchaser at sheriffs' sale, shall have a lien upon, and the right to retain said lands and tenements as said redeeming creditor might under this act, subject however, to be redeemed by the debtor as before prescribed.

And the blank in the said bill, was filled with "twenty-one."

The question was then put on the passage of said bill, which was decided in the negative, and so the bill was rejected.

The yeas and nays being required thereon by messrs. Hall and Cassidy, were as follows, viz.

Yeas—Mr. Speaker, Messrs. Boyd, Brents, Butler, Caldwell, Cassidy, J. Clark, Craig, Ferguson, Fletcher, French, Gerard, Harris, Henderson, Hickman, Hughes, Hunter, Lee, Logan, T. P. Moore, Moseley, Mullens, M'Affee, M'Kee, M'Millan, O'Bannon, Patton, N. P. Porter, Rife, Sandford, Scott, Shannon, Slaughter, Stevenson, Todd, Warfield, Wilcoxson and Woods—38.

Nays—Messrs. Barnett, Berry, Blakey, Bray, Calhoun, S. D. Clark, Cockerill, Cooper, Crow, Cunningham, Emerson, Garrard, Geohegan, Gordon, Grundy, Hall, Howard, King, Lacey, Lancaster, Love, Lynch, Munford, Murray, M'Elroy, Noland, Parker, J. Patterson, W. Patterson, Piercy, Roberts, Rudd, Selby, Shacklett, Sharp, Spillman, Taylor, Townsend, Wakefield, Watkins, Wickliffe and Williams—42.

A message from the senate by Mr. Roper :

Mr. Speaker,

The senate disagree to the first amendment proposed by this house to a bill from the senate entitled an act for establishing and laying off a town at the Iron Banks; and they concur in the second amendment proposed by this house to said bill, with an amendment, in which they request the concurrence of this house.

And then he withdrew.

A message from the governor by Mr. Breekinridge, his secretary :

Mr. Speaker,

I am directed by the governor to inform this house that he did on this day approve and sign enrolled bills which originated in this house of the following titles :

An act for the benefit of the heirs of Alexander Dunbar, deceased.

An act to amend and extend the charter of the bank of Kentucky.

An act for surveying the military claims west of the Tennessee river.

An act for the benefit of the heirs of Morgan Pitcher, deceased.

An act to divide the 5th judicial district.

And then he withdrew.

Ordered, That Mr. Warfield inform the senate thereof.

The house took up a bill from the senate entitled an act to regulate the manner of taxing attorneys' fees.

The said bill was then read a second time.

And thereupon the rule of the house, constitutional provision and third reading of said bill being dispensed with :

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Warfield inform the senate thereof.

A message from the senate by Mr. Pope :

Mr. Speaker,

The senate have passed a bill entitled an act arranging the times of holding the Jefferson circuit and county courts, and for other purposes ; in which bill they request the concurrence of this house.

And then he withdrew.

A message from the senate by Mr. Williams :

Mr. Speaker,

The senate have passed a bill which originated in this house entitled an act for the appropriation of money, with amendments, in which they request the concurrence of this house.

And then he withdrew.

A bill for the benefit of the one hundred and first regiment of Kentucky militia, was read a second time, amended, and ordered to be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision and third reading of said bill being dispensed with :

Resolved, That the said bill do pass, and that the title be a-

mended to read, "an act for the benefit of certain regiments of militia."

Ordered, That Mr. Munford carry the said bill to the senate and request their concurrence.

A bill to repeal in part the act entitled an act to authorise Wm. and James Newton to build a dam and water grist and saw mill on Rough creek in Ohio county, approved 5th. February, 1819. was read a second time, and ordered to be engrossed and read a third time on to-morrow.

The following bills from the senate were read the first time and ordered to be read a second time, viz.—An act to establish election precincts in Livingston and Caldwell counties; an act for altering the time of holding the circuit and county courts of Lewis county; and an act for the benefit of Charles W. J. Jerome.

And thereupon the rule of the house, constitutional provision, and second and third readings of the said bills being dispensed with:

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. French inform the senate thereof.

Mr. Fletcher moved the following resolution, to wit:

Resolved, That a law ought to pass providing that after all the expenses incident to the management of the branch of the Bank of the Commonwealth located at Lexington, shall have been fully discharged, that the net profits accruing and resulting therefrom, shall be appropriated to the use and benefit of the Transylvania University.

The said resolution was then twice read, and amended by adding thereto the following words, viz.

And that the net proceeds of the commonwealth's bank shall be applied annually to the purpose of erecting seminaries of learning in the several bank districts in which said banks are located.

The said resolution as amended, was then postponed until the first day of June next.

The house took up the amendments proposed by the senate to a bill from this house entitled an act for the appropriation of money.

Which being twice read, were concurred in.

Ordered, That Mr. Williams inform the senate thereof.

And then the house adjourned.

WEDNESDAY, DECEMBER 27, 1820.

A bill from the senate entitled an act providing for the collection of debts due the penitentiary, and for other purposes.

Was taken up and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second and third readings of said bill being dispensed with :

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Garrard inform the senate thereof.

Mr. Brents read and laid on the table the following resolution, to wit :

Resolved by the General Assembly of Kentucky, That two thousand copies of the laws, and three hundred copies of the journals of the present session of the legislature be printed by the public printer, and bound by William Wood, and be delivered to the secretary of state for distribution : And that after supplying each member of the legislature with a copy of the journals of each house, and the clerks of the senate and house of representatives, the remaining copies shall be retained in the secretary's office, subject to be called for from time to time, as they may be wanted for the use of subsequent legislatures.

Resolved, That the governor be requested to employ some suitable person to distribute said laws and journals.

And thereupon the rule of the house being dispensed with, the said resolution was adopted.

Ordered, That Mr. Brents carry the said resolution to the senate and request their concurrence.

Bills from the senate of the following titles :—1. An act arranging the times of holding the Jefferson circuit and county courts, and for other purposes ; 2. An act to authorise the insertion of advertisements in the Columbian ; 3. An act to lessen the county levy to be collected in Greenup county.

Were severally read the first time and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second and third readings of said bills being dispensed with, and the first being amended :

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. M'Kee inform the senate thereof, and request their concurrence in said amendment to the first bill.

A message from the senate by Mr. Pope :

Mr. Speaker,

The senate concur in a resolution from this house for printing and binding the acts and journals ; and they disagree to the amendment proposed by this house to a bill from the senate entitled an act arranging the times of holding the Jefferson circuit and county courts, and for other purposes.

And then he withdrew.

It was then moved and seconded to postpone the further consideration of all the bills in the orders of the day, until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by messrs. Shannon and Williams, were as follows, viz.

Yeas—Messrs. Allen, Barnett, Berry, Caldwell, Calhoun, Cockerill, Cooper, Crow, Cunningham, Emerson, Garrard, Geohegan, Gordon, Henderson, Hickman, Howard, Lancaster, Mullens, Noland, W. Patterson, Piercy, Roberts, Sharp, Stone, Taylor, Townsend, Wakefield, Warfield, Watkins, Williams and Woods—32.

Nays—Mr. Speaker, messrs. Bray, Brents, Butler, Cassidy, J. Clark, Cravens, Ferguson, Fletcher, Gaines, Gerard, Grundy, Hall, Harris, Hunter, Lee, T. P. Moore, Moseley, Munford, Murray, M'Affee, M'Kee, M'Millan, Payne, N. P. Porter, Prewitt, Rife, Scott, Selby, Shacklett, Shannon, Spillman and Todd—33.

A message from the senate by Mr. Wood :

Mr. Speaker,

The senate have adopted a resolution for marking the line between this state and Tennessee, as lately established by the two states ; in which they request the concurrence of this house.

And then he withdrew.

The said resolution was then taken up, read and concurred in as follows, viz.

IN SENATE, December 27, 1820.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the governor of this commonwealth be, and he is hereby requested, as soon as practicable, to cause to be run and marked, that part of the boundary line between

this state and the state of Tennessee, which lies between the south eastern corner of this state and Walker's line, as marked on Cumberland river, near the mouth of Oby's river, agreeably to the ratification of the boundary line as lately established between this state and the state of Tennessee aforesaid.

Extract, &c.

Att. WILLIS A. LEE, C. S.

Ordered, That Mr. Warfield inform the senate thereof.

The house proceeded to reconsider their amendments to a bill from the senate entitled an act for establishing and laying off a town at the Iron Banks.

Resolved, That this house recede from their first amendment, and concur in the second amendment proposed by the senate upon concurring in those proposed by this house to said bill.

Ordered, That Mr. M'Kee inform the senate thereof.

Mr. Payne from the majority on the vote by which the further consideration of a bill from the senate entitled an act to extend the prison bounds, was postponed till the first day of June next, moved for a reconsideration of said vote.

And the question being taken thereon, it was decided in the negative, the house being equally divided.

The yeas and nays being required thereon by messrs. Gordon and Cassidy, were as follows, viz.

Yeas—Mr. Speaker, messrs. Allen, Brents, Butler, J. Clark, Cravens, Crow, Ferguson, Fletcher, Gaines, Gerard, Hall, Harris, Henderson, Hunter, Lee, T. P. Moore, Moseley, Mullens, M'Affee, Noland, Patton, Payne, N. P. Porter, Prewitt, Rife, Roberts, Selby, Shacklett, Shannon, Todd, Wilcoxson and Winlock—33.

Nays—Messrs. Barnett, Berry, Boyd, Bray, Caldwell, Calhoun, Cassidy, Cooper, Craig, Cunningham, Emerson, Garrard, Geohegan, Gordon, Hickman, Howard, Logan, Munford, Murray, M'Kee, M'Millan, W. Patterson, Sharp, Spillman, Stone, Taylor, Townsend, Wakefield, Warfield, Watkins, Wickliffe, Williams and Woods—33.

A message from the senate by Mr. Crutcher :

Mr. Speaker,

The senate have passed a bill entitled an act to alter and extend the terms of the Hardin, Nelson and Bullitt circuit courts ; in which bill they request the concurrence of this house.

And then he withdrew.

A bill from the senate entitled an act for the benefit of Daniel Trabue and others, was read a second time, and ordered to be read a third time.

And thereupon the rule of the house, constitutional provision and third reading of said bill being dispensed with:

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Selby inform the senate thereof.

The house proceeded to reconsider their amendment proposed to a bill from the senate entitled an act arranging the times of holding the Jefferson circuit and county courts, and for other purposes.

Resolved, That this house adhere to their said amendment.

Ordered, That Mr. Ferguson inform the senate thereof.

A bill from the senate entitled an act to alter and extend the terms of the Hardin, Nelson and Ballitt circuit courts, was read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second and third readings of said bill being dispensed with:

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Wickliffe inform the senate thereof.

A message from the senate by Mr. Pope:

Mr. Speaker,

The senate recede from their disagreement to the amendment proposed by this house to a bill from the senate entitled an act arranging the times of holding the Jefferson circuit and county courts, and for other purposes.

And then he withdrew.

A bill from the senate entitled an act for the benefit of John M'Ferran, late deputy sheriff of Barren county, was read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second and third readings of said bill being dispensed with:

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Hall inform the senate thereof.

A message from the senate by Mr. Crutcher:

Mr. Speaker,

The senate have adopted a resolution allowing to Luke Munsell one year longer to pay the money borrowed from

the state ; in which they request the concurrence of this house.

And then he withdrew.

The said resolution was taken up, twice read and concurred in as follows, viz.

IN SENATE, December 27, 1820.

Resolved by the General Assembly of the Commonwealth of Kentucky. That the further time of one year be allowed to L. Munsell, to pay the balance of the loan due by him to this commonwealth.

Extract, &c.

Att. WILLIS A. LEE, C. S.

Ordered, That Mr. Warfield inform the senate thereof.

A bill from the senate entitled an act to amend the acts incorporating the Frankfort and Shelbyville, and Shelbyville and Louisville turnpike road companies, was taken up, amended and ordered to be read a third time.

And thereupon the rule of the house, constitutional provision and third reading of said bill being dispensed with :

Resolved, That the said bill do pass as amended, and that the title thereof be as aforesaid.

Ordered, That Mr. Gerard inform the senate thereof, and request their concurrence in the said amendment.

The speaker laid before the house a letter from Mr. Walter Emerson, Esq. a member of this house, announcing a resignation of his seat as a member thereof, which was read as follows to wit :

To the Hon. Speaker of the House of Representatives.

SIR,

Having come to a determination to resign my seat as a member of that department of the legislature over which you preside, you will please to consider and accept this as my resignation,

And accept assurances of esteem and respect,

From sir, your most obedient servant,

WALTER EMERSON.

GEORGE C. THOMPSON.

27th December, 1820.

On motion,

Ordered, That the select committee to whom was referred the petition of Matthew Lyon, contesting the election of Mr.

John Mercer, a member returned to serve in this house from the county of Caldwell, be discharged from the further consideration thereof.

A message from the senate by Mr. Owens:

Mr. Speaker,

The senate concur in the amendment made by this house to a bill from the senate entitled an act to amend the acts incorporating the Frankfort and Shelbyville, and Shelbyville and Louisville turnpike road companies.

And then he withdrew.

Mr. Lancaster from the joint committee of enrolments, reported that the committee had examined enrolled bills and resolutions of the following titles:

An act regulating the manner of taxing attorneys' fees.

An act for the benefit of Charles W. J. Jerome.

An act to establish election precincts in Livingston and Caldwell counties.

An act for the benefit of sheriffs.

An act to add a part of Gallatin to the county of Boone.

An act for the appropriation of money.

An act providing for the collection of debts due the penitentiary, and for other purposes.

An act to authorise the insertion of advertisements in the Columbian.

An act for altering the time of holding the circuit and county courts of Lewis.

An act for establishing and laying off a town at the Iron Banks.

An act to lessen the county levy to be collected in Greenup county.

An act for the benefit of Daniel Trabue and others.

An act to amend the acts incorporating the Frankfort and Shelbyville, and Shelbyville and Louisville turnpike road companies.

An act for the benefit of John M'Ferran, late deputy sheriff of Barren county.

An act arranging the times of holding the Jefferson circuit and county courts, and for other purposes.

And an act to alter and extend the terms of the Hardin, Nelson and Bullitt circuit courts.

A resolution for printing and binding the acts of the present session of the general assembly.

A resolution for the benefit of Luke Munsell.

And a resolution for marking the line between this state and Tennessee as lately established by the two states.

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

Ordered, That Mr. Lancaster inform the senate thereof.

A message from the governor by Mr. Breckinridge his secretary :

Mr. Speaker,

I am directed by the governor to inform this house, that he did on this day approve and sign enrolled bills and resolutions which originated in this house of the following titles :

An act for the appropriation of money.

An act to add a part of the county of Gallatin to the county of Boone.

A resolution for printing and binding the acts and journals.

And then he withdrew.

Ordered, That Mr. Lancaster inform the senate thereof.

A message from the senate by Mr. Lee, their secretary :

Mr. Speaker,

The senate have received official information that the governor did on this day approve and sign enrolled bills and resolutions which originated in that house of the following titles :

An act regulating the manner of taxing attornies' fees.

An act to establish election precincts in Livingston and Caldwell counties.

An act for the benefit of sheriffs.

An act to authorize the insertion of advertisements in the Columbian.

An act providing for the collection of debts due the penitentiary, and for other purposes.

An act for altering the time of holding the circuit and county courts of Lewis county.

An act for the benefit of Charles W. J. Jerome.

An act for establishing and laying off a town at the Iron Banks.

An act to lessen the county levy to be collected in Greenup county in 1821.

An act for the benefit of Daniel Trabue and others.

An act for the benefit of John M'Ferran, late deputy sheriff of Barren-county.

An act arranging the times of holding the Jefferson circuit and county courts, and for other purposes.

An act to amend the acts incorporating the Frankfort and Shelbyville, and Shelbyville and Louisville turnpike road companies.

An act to alter and extend the terms of the Hardin, Nelson and Bullitt circuit courts.

A resolution for the benefit of Luke Munsell.

A resolution for marking the line between this state and Tennessee, as lately established by the two states.

And then he withdrew.

A message from the senate by Mr. Roper :

Mr. Speaker,

I am directed to inform this house that the senate have finished the legislative business before them, and are now ready to adjourn *without day*; but are nevertheless disposed to remain, until it shall suit the views, pleasure and convenience of this house to adjourn also. They have appointed a committee on their part, to wait on the governor and inform him of the proposed adjournment of the general assembly, and to know whether he has any further communication to make, and request the appointment of a committee on the part of this house.

And then he withdrew.

Ordered, That Messrs. Garrard, Logan, M'Kee and Woods, be appointed a committee on the part of this house, to wait on the governor; that Mr. Garrard inform the senate thereof; and that this house having finished the legislative business before it, is now ready to adjourn *without day*.

The said committee then retired, and after a short time returned, when Mr. M'Kee reported that the committee had performed the duty assigned them, and were informed by the governor that having from time to time during the session of the general assembly, communicated his views to both branches thereof, he had *now* no further communications to make.

Ordered, That a message be sent to the senate informing them that this house is now ready to adjourn *without day*; and that Mr. M'Allee carry the said message.

A message from the senate by Mr. Ewing :

Mr. Speaker,

I am directed to inform this house that the senate is now ready to adjourn *without day*.

And then he withdrew.

Whereupon, the Speaker having delivered a congratulatory and valedictory address, adjourned *the house without day.*

The Speaker having retired, Mr. M'Millan was called to the chair, and the following resolution was proposed and unanimously adopted, viz.

Resolved, That the thanks of this house be presented to the Honorable George C. Thompson, for his able, dignified and impartial discharge of the arduous and important duties of the chair, during the present session.